



Open Primaries Background Information

1) Types of Primary Elections:

There are six general types of primary elections employed in the United States today:

a) Closed primary: Only voters registered with a particular party may vote in that party's primary election. So if you are registered as a Democrat, you can only vote for Democratic candidates. If you're a registered Republican you can only vote for Republican candidates. If you are registered with a minor party, you can only vote in that party's primary-if they hold one. The top vote-getter for each party moves on to the general election. Unaffiliated/independent voters cannot vote in closed primary elections. States with closed primaries include: Connecticut, Delaware, Florida, Idaho, Kentucky, Maryland, Nevada, New Jersey, New Mexico, New York, Maine, Oregon, Pennsylvania

b) Open partisan primary with partisan registration: Unaffiliated/independent voters may choose a major party ballot line in the primary; either Republican or Democrat. Voters who are already affiliated with a political party Republican, Democrat or minor party- can vote only in that party's primary States with a partisan primary and partisan voter registration include: Alaska, Arizona, Colorado, Iowa, Kansas, Massachusetts, New Hampshire, Oklahoma, Rhode Island, South Dakota, Utah, West Virginia, Wyoming.

c) Open partisan primary with nonpartisan registration: Voters are not required to formally affiliate/unaffiliated with a party. Every voter can choose a ballot line-Republican or Democrat- to vote in the primary. States with a partisan open primary and nonpartisan voter registration include: Alabama, Arkansas, Georgia, Hawaii, Illinois, Indiana, Michigan, Minnesota, Mississippi, Missouri Montana, North Carolina, *North Dakota (no voter registration), Ohio, South Carolina, Tennessee, Texas, Vermont, Virginia, Wisconsin

d) Nonpartisan open primary (Top Two or Top Four): In this type of election, there is no Republican primary or Democratic primary. There is one primary, run by the state, with all candidates and all parties (or no party) listed. Every voter can participate and vote for every candidate, regardless of party. The top-two/four vote getters move on to the general election. States with a top two open primary: California, Washington. *Nebraska (state legislative races only). States with a top four primary: Alaska (combines it with RCV in the general election).

e) Runoff primary: This system eliminates the primary election altogether. Instead, all candidates, regardless of party affiliation, run on the same ballot in November. If a candidate

receives more than half of the votes, that candidate is elected. If no candidate wins with a majority, the top two vote-getters face off in a December runoff election. States with a runoff primary: Louisiana

f) Nonpartisan local primary: Many counties and municipalities use nonpartisan primaries such as those for city council, county commissioner, or judges. Candidates are listed without party affiliation and all registered voters can vote. A candidate for a nonpartisan office who is on the primary ballot is selected if he or she wins more than 50% of the vote. If not, there is a runoff election in November between the top two candidates. More than 80 percent of American cities use nonpartisan elections for local office. Of the 30 Largest Cities in America, 23 hold nonpartisan elections including Los Angeles, Chicago, Phoenix, San Antonio and Dallas.

2) Experiential lessons:

Nebraska:

The parties in Nebraska have less control over legislators than they do in most states. That lack of party control, for example, means that the Governor of Nebraska must reach out to individual members for support when he wants to advance an agenda. The interest level, demand for change, and time spent discussing an issue is set by the individual members of the legislature without regard for an official party stance. Members are independent trustees empowered to make their own decisions, and work out differences with other members on behalf of their constituents. With no formal party alignments or caucuses, the Nebraska legislature operates under a unique political reality that allows coalitions to form issue by issue, typically based on government philosophy, geographic background, and constituency. Although the legislature consists of thirty-five Republicans, thirteen Democrats, and one independent, only eight members regularly vote the party line. Because committee chairs are elected by the members and not partisan leaders, with minority party members regularly holding leadership posts, the Nebraska legislature is largely a “meritocracy,” where “talent rises to the top.”

Nebraska’s Congressional delegation, elected in a closed, partisan system, all vote as instructed by party leaders 90% of the time. Many of them, who came from the state legislature, openly complain about their inability to “work the floor” and get things done. In fact, they regularly vote the opposite of their state counterparts on the exact same issues even though they are representing the same constituents. Two systems, with two very different outcomes for the citizens of Nebraska and two very different experiences for their elected officials. Contrast it even further with Nebraska’s neighbor to the south, Kansas, which has an almost identical Republican legislative supermajority but which operates in a highly partisan election and governing environment. The party, not the people, sets the Kansas agenda and legislators in Kansas have greenlighted an agenda that has proved catastrophic to the state. State revenues have plummeted, their credit rating has been downgraded and job growth has fallen well behind Nebraska and many of its other neighbors.

For more see:

Nebraskans Encourage Nonpartisan Elections - Senators Coash and Hadley (R) and Morfeld (D) talk about why Top Two open primaries work.

<https://listen.sdpb.org/post/dakota-midday-nebraskans-encourage-non-partisan-elections>

[*Policy over Party in the Nebraska State Capitol*](#), OP Special Report

What's Not The Matter with Nebraska? OZY <https://www.ozy.com/fast-forward/whats-not-the-matter-with-nebraska/66031>

California:

Many politicians in California talk openly about how they appreciate the benefits of a system that allows them to campaign to all voters in their districts, not just members of their own party. Legislators no longer fear being “primaried” if they reach across the aisle to pass legislation, and talk openly about how they appreciate a system that encourages them to act in bipartisan ways.

For more see:

Is Political Civility At The State Capitol Still Possible In The Age Of Trump?

<http://www.capradio.org/articles/2017/02/02/is-political-civility-at-the-state-capitol-still-possible-in-the-age-of-trump/>

[*Arnold Schwarzenegger and Ro Khanna : CA's Top Two Primary Works*](#)

Several new USC studies show positive impact of top two in California:

[Top Two & Open Primaries are Associated with More Moderate Legislators](#)

[Evaluating California's Top-two Primary & Political Reforms in California](#)

[Political Reforms in California are Associated with Less Ideologically Extreme State Legislators](#)

[California Top Two Open Primary: A Successful Reform](#)

Also California Forward conducted an in-depth focus group of California legislators and [produced a report](#) which discovered some interesting things. Legislators like the top two system. “It allows us to take more risks.” “It allows Republicans to say yes and Democrats to say no.” “The minority party has a seat at the table and can impact bills.” “Candidates have to reach out to a wider range of voters.” Reducing polarization is not purely a function of ideology - there are other factors involved.

3) Impact on Turnout, Candidate Selection and Voter Trust:

Turnout: A 50-state analysis of turnout in the 2022 primaries by the Bipartisan Policy Center found that turnout is significantly higher in states with Top Two primaries:

Within the states with Top Two, turnout in individual districts can vary widely from year to year, demonstrating that turnout is affected by multiple factors. In districts with popular incumbents and fewer challengers, turnout dips. In districts where incumbents are retiring and multiple challengers step forward, turnout increases. As a rule, more voters participate in elections that are competitive, and top two primaries are especially effective at generating competition because candidates from different parties compete from the outset, all voters vote, and voters are presented with varied options.

For more see:

2022 Primary Turnout: Trends and Lessons for Boosting Participation, Bipartisan Policy Center
https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2023/03/Primary-Turnout-Report_R03.pdf

Candidate Selection:

There is strong evidence that same party races under top two increase voter desire to learn more about the candidates. See: Sinclair, Betsy; & Wray, Michael. (2015). Googling the Top Two: Information Search in California's Top Two Primary. *California Journal of Politics and Policy*. <http://escholarship.org/uc/item/1fg8b858>

Candidate rhetoric also moderates under top two primaries. See:
[*Polarization and the Top-Two Primary: Moderating Candidate Rhetoric in One-Party Contests*](#)

Voter Trust:

Voters overwhelmingly like the top two. A study conducted by the California Chamber of Commerce in 2017 showed that 73% of Californians support the Top Two open primary system. Other [polls by PPIC show it regularly scoring above 60% support](#). Polling conducted in Nebraska showed that 77% of Nebraskans thought that the Top Two system used for state legislative races provided the best results for ordinary Nebraskans, while just 13% asserted that the partisan system used to elect Congressional representatives provided the best results. There has been no public polling or research in Washington State, in part because the measure enacting it passed with more than 60% support and voters and both political parties have accepted the new system and operate successfully within it. It is seen as a closed question in Washington State. Nobody is pushing to change the current system, and as such voters have not been asked their opinion.

Additional background:

Fact Sheets

- [How top two impacts positively on competition](#)
- [Why military veterans are better served under a nonpartisan primary system](#)
- [How communities of color fare under nonpartisan primaries](#)