Primary Election Laws in the United States, 1900-2018
Codebook

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Introduction

This dataset was compiled in 2017 and the first half of 2018, initially for use by Jillian Evans in connection with her doctoral dissertation. The goal is to characterize, as fully as possible, laws governing primary elections over American history. Several existing datasets code some aspect of primary-election law—mainly enfranchisement/suffrage (i.e., who is permitted to participate in the election)—for select states or select time periods. However, to our knowledge, there is no comprehensive dataset. Included here are some of the variables from other researchers' publicly available data sets (of course, we alone are responsible for any errors in reproducing their data), and from non-electronic sources. We also report a set of variables that, collectively, should describe most important rules for primary participation.

We are most grateful for the financial assistance of the MIT Election Data and Science Lab via a "New Initiatives Grant" awarded to Gaines in 2017.

This version of the dataset is incomplete. Most variables are coded for recent history (2000-2018), but older periods are covered only for select states. As our work proceeds, we anticipate making updates of the dataset available over the near future, with suitable re-numbering of the version and updated release dates.

Generally, the sources for the coding are state laws, usually, but not always accessed online. Exceptions are noted. Below, we provide further details, and, in a separate, sprawling document, we provide specifics for each state.

Variables

state: state name (including the District of Columbia)

istate: standard ICPSR state code (alphabetical ordering by region)

New England:	1 CT, 2 ME, 3 MA, 4 NH, 5 RI, 6 VT
Northeast:	11 DE, 12 NJ, 13 NY, 14 PA
Great Lakes:	21 IL, 22 IN, 23 MI, 24 OH, 25 WI
Great Plains:	31 IA, 32 KS, 33 MN, 34 MO, 35 NE, 36 ND, 37 SD
Deep South:	41 AL, 42 AR, 43 FL, 44 GA, 45 LA, 46 MS, 47 NC, 48 SC, 49 TX, 40 VA
Border South:	51 KY, 52 MD, 53 OK, 54 TN, 55 DC, 56 WV
Mountain West:	61 AZ, 62 CO, 63 ID, 64 MT, 65 NV, 66 NM, 67 UT, 78 WY
Pacific Coast:	71 CA, 72 OR, 73 WA
Far West:	81 AK, 82 HI

year: calendar year for codes (1900-2018); data are entered in odd-numbered years only for those states that hold off-year elections for gubernatorial and/or state legislative offices (NJ, KY, LA, MS, VA)

Dates (all formatted as mm/dd/yyyy)

ppr.date: date for Republican presidential primary, if applicable

ppd.date: date for Democratic presidential primary, if applicable

r.p.dels: number of Republican convention delegates elected in primary

d.p.dels: number of Democratic convention delegates elected in primary

pcr.date: date for Republican presidential caucus, if applicable

pcd.date: date for Democratic presidential caucus, if applicable

r.c.dels: number of Republican convention delegates elected in caucus

d.c.dels: number of Democratic convention delegates elected in caucus

convr.date: pre-primary Republican candidate-nominating convention date, if applicable; note that the "convention" variables do not refer to the dates of state party conventions held in presidential election years (e.g., where delegates to the national party conventions are chosen); these dates are entered only for states that include a party convention as part of the nominating process for all candidates (CT, NY, UT, etc.)

convd.date: pre-primary Democratic candidate-nominating convention date, if applicable

opr.date: other (non-presidential) Republican primary date, if applicable; usually one date applies to all primary contests below the presidential level, but in cases where there are different dates (such as one date for federal/statewide primaries and another for municipal primaries), I enter the federal/statewide primary date

opd.date: other (non-presidential) Democratic primary date, if applicable

prro.date: Republican primary runoff date, if applicable

pdro.date: Democratic primary runoff date, if applicable

p.ev1.date: primary (in-person) early voting period start date (all parties)

p.ev0.date: primary (in-person) early voting period end date (all parties)

p.reg0.date: final date for registration to participate in other (non-presidential) primary, if applicable

p.np1.date: first date for circulating nomination petition(s) for signatures to participate in non-presidential primary; note that this is **not** the first day candidates are allowed to file their petitions but rather the first day individuals are allowed to begin collecting signatures (if specified in the statute); I enter petition dates only if petitions are required for **major-party** candidates

p.np0.date: last date for circulating nomination petition(s) for signatures to participate in non-presidential primary

prf.date: filing date for Republican candidates for other (non-presidential) primary

pdf.date: filing date for Democratic candidates for other (non-presidential) primary

g.date: general-election day

gro.date: general-election runoff day, if applicable

g.ev1.date: general-election first day for early voting, if applicable

g.ev0.date: general-election final day for early voting, if applicable

g.reg0.date: final date for registration to participate in general election, if applicable

sd.reg: indicator (0/1) variable for availability of same-day (i.e., election-day) voter registration (applies to both primary and general elections)

<u>Enfranchisement/Voter Eligibility</u>

OPT1: type of other (non-presidential) primary enfranchisement, as coded by McGhee et al. (2014), 1992-2010 (with gaps—some states missing in certain years)

- 0 closed: no crossover voting allowed; only members of the party are allowed to vote in the party's primary
- 1 semi-closed: independents alone are allowed to cross over; must declare their decision publicly; in some cases must register with the party they cross over to; must vote in that party's primary for all races on the ballot
- 2 semi-open: all voters allowed to cross over; must declare decision publicly; in some cases must register with the party they cross over to; must vote in that party's primary for all races on the ballot

3 open: all voters allowed to cross over; do not have to declare publicly; no party registration requirement; must vote in that party's primary for all races on the ballot
4 nonpartisan: all voters allowed to cross over; do not have to declare publicly; no party registration requirement; can cross back and forth between parties from one race to the next
5 mixed: D = closed; R = semi-closed
6 mixed: D = semi-closed; R = closed
7 mixed: D = nonpartisan; R = semi-closed
8 mixed: D = semi-open; R = semi-closed

Notes: McGhee et al. code Nebraska as having nonpartisan primaries because the state legislature (the object of their primary interest) is nonpartisan; obviously this does not apply to NE congressional primaries

OPT2: type of other (non-presidential) primary enfranchisement, as coded in sources published by Congressional Quarterly (see sources, below, for further detail)
0 closed: only voters registered with a particular party are allowed to participate in that party's primary
1 modified/semi-open: citizens who register as independent or state no party preference when they register are allowed to select the party ballot of their choice. Selecting a party ballot usually puts these voters on the registration rolls as members of that party.
2 open: any registered voter can participate in either party's primary; voters either choose a party ballot before they enter the polling booth or may cast a ballot in either party primary once in the polling booth (marking a ballot in both primaries voids the vote)
3 special/top two/nonpartisan
4 mixed: D = 0; R = 1
5 mixed: D = 1; R = 0
6 mixed: D = 3; R = 1
7 mixed: D = 2; R = 0
8 mixed: D = 2; R = 1

OPT3: type of other (non-presidential) primary enfranchisement, as coded in *The Book of the States*, 2007-2016 (additional codes created to account for differences between Democratic and Republican party rules)
0 closed: voters must be a registered member of the party to vote its primary ballot
1 partially closed: unaffiliated voters may participate in any party's primary. Members of a political party are not allowed to cross over and vote in a different party's political primary.
2 partially open: voters can choose in which primary to vote but that choice is not private. In certain states, a voter's primary ballot selection may be regarded as a form of registration with the corresponding party.
3 open: voters can privately select which party's ballot to vote, regardless of party affiliation
4 top-two: all voters (in CA and WA) receive one ballot with candidates from all parties listed together. The top two finishers, regardless of party, face each other at the general election. LA has a similar election type but, over this period, held its primary in October with a runoff election on “Election Day” in November (Tuesday after the first Monday) if no candidate garners 50 percent or more of the vote. NE uses a single primary ballot to elect lawmakers to its nonpartisan legislature.
5 mixed: D = 2; R = 1
6 mixed: D = 1; R = 0
7 mixed: D = 3; R = 0
8 mixed: D = 3; R = 1

9 information missing/not provided

OPT4: type of other/non-presidential primary (enfranchisement), according to *Primary Elections* (Merriam & Overacker, 1928)

0 caucus (no direct primary)
1 optional closed primary
2 mandatory closed primary
3 optional open primary
4 mandatory open primary

Notes: M&O specified whether each state has a mandatory primary vs. an optional primary (meaning the party is permitted to nominate in whatever manner it sees fit). M&O strictly defined an open primary as one in which the voter received the ballots of all parties and privately chose a party; all other primaries were considered closed (e.g., asking for a ballot publicly; having to swear support of some kind to the party; enrolling with the party [even if a voter could change enrollment on election day]).

PPT2: type of presidential primary (enfranchisement) as coded by Meinke et al. (2006), 1972-2000 (for Democratic party only; D.C. not included; their original codes below)

0 caucus-convention: delegates chosen by state and local caucuses and conventions
1 caucus-convention w/nonbinding primary: delegates chosen by party caucus and conventions, with nonbinding presidential preference primaries
2 direct-delegate primary: delegates chosen directly by voters in primaries with nonbinding presidential preference poll
3 closed primary: delegates chosen or bound by presidential preference primaries open only to voters preregistered as members of the particular parties
4 semi-closed primary: delegates chosen or bound by presidential preference primaries open only to voters preregistered as members of the particular parties or as independents
5 open primary: delegates chosen or bound by presidential preference primaries open to all registered voters with no regard to party preregistration

vtr.reg: type of voter registration

0 none
1 non-partisan
2 partisan, with independent/decline-to-state/none/etc. option
3 partisan, without any independent/decline-to-state/none/etc. option
4 non-partisan and not universal across the state (e.g., WI in 1998--no statewide voter registration [must be of voting age]; registration required in municipalities)
5 partisan, but not universal across the state (e.g., RI in 1998--no statewide party registration; party registration records kept only at the local level)

ge.enf: general-election enfranchisement (*without* any coding of treatment of felons, ex-felons)

0 white males, 21+
1 males, 21+
2 whites, 21+
3 21+ (male and female, any race, citizens only)
4 18+ (male and female, any race, citizens only)

pp.enf: presidential primary enfranchisement rules/delegate-selection method, 1968-2012 (from table 1-24, *Vital Statistics on American Politics 2015-2016*)

0 delegates chosen by state party committee (CS)
1 delegates chosen by state and local caucuses and conventions (CL)
2 state has non-binding presidential preference primaries, but delegates are chosen by party caucus and conventions (X)
3 delegates chosen directly by voters in primaries with nonbinding presidential preference poll (DP)
4 delegates chosen or bound by presidential preference primaries open only to voters preregistered as members of the particular parties (P)
5 delegates chosen or bound by presidential preference primaries open only to voters preregistered as members of the particular parties or as independents (PI)
6 delegates chosen or bound by presidential preference primaries open to all registered voters with no regard for party preregistration (or voters can switch party affiliation at the polls on primary day) (OP)
7 6, 0 (OP, CS) **Note that the source does not explain what these combined codes mean
8 3, 1 (DP, CL)
9 3, 0 (DP, CS)
10 1, 0 (CL, CS)
11 4, 0 (P, CS)
12 6, 1 (OP, CL)
13 4, 1 (P, CL)
14 5, 0 (PI, CS)
15 mixed: D = 4; R = 1
16 mixed: D = 0; R = 1
17 mixed: D = 1; R = 4
18 mixed: D = 2; R = 1
19 mixed: D = 4; R = 1
20 mixed: D = 5; R = 3
21 mixed: D = 4; R = 9
22 mixed: D = 3; R = 9
23 mixed: D = 6; R = 9
24 mixed: D = 6; R = 3
25 mixed: D = 6; R = 7
26 mixed: D = 1; R = 6
27 mixed: D = 1; R = 2
28 mixed: D = 5; R = 1
29 mixed: D = 2; R = 6
30 mixed: D = 5; R = 6
31 mixed: D = 10; R = 1
32 mixed: D = 4; R = 3
33 mixed: D = 4; R = 2
34 mixed: D = 6; R = 2
35 mixed: D = 6; R =1
36 mixed: D = 1; R = 3
37 mixed: D = 4; R = 6
38 mixed: D = 4; R = 5
39 mixed: D = 7; R = 6
40 mixed: D = 5; R = 14
41 mixed: D = 2; R = 7
42 mixed: D = 5; R = 4
43 mixed: D = 1; R = 12
44 mixed: D = 2; R = 13

45 mixed: D = 6; R = 12
46 mixed: D = 2; R = 4

Note: *VSAP* codes aren't available for the 2016 presidential election, but we coded this variable for 2016 according to their scheme
VSAP footnote: states with primaries but without voter registration by party are coded 6 (OP). Sometimes last-minute changes are made, so occasionally there are revisions of a classification for an earlier year.

op.enf: type of other (non-presidential) primary enfranchisement, one scale
0 convention; direct primary elections not used to select the party's nominees
1 closed primary; a voter must be a registered member of the party in order to participate in its primary (no independents or cross-over voting allowed); must register with a party in advance (cannot do so at the polls on election day)
2 semi-closed primary; independent/unaffiliated voters allowed; may have to register formally with the party in order to participate (either before or on election day); must choose/declare a party publicly
3 semi-open primary; all voters are allowed to participate; there is likely no formal party registration requirement (but if so, voters can register on election day); must choose a party ballot publicly
4 open primary; all voters are allowed to participate; no party registration requirement; voters can choose a party privately (but may choose only one party's primary to participate in)
5 blanket primary; almost identical to an open primary except that voters can vote for candidates of different parties office by office (not required to choose one party's ballot)
6 non-partisan or top-two primary; candidates of all parties appear on a single ballot; votes determine the top two candidates for an office and those two advance to the general election (regardless of party); this category also includes Louisiana
7 mixed: D = 5; R = 2
8 mixed: D = 3; R = 2
9 mixed: D = 2; R = 1

convention: state or party uses a convention as part of its candidate nominating system for offices below the presidency
0 no convention
1 mixture of convention plus a primary election of some kind: party can choose convention OR primary; or a pre-primary convention occurs (either required or permitted under certain circumstances)
2 convention only (no direct primary elections)

private.choice: voters choose a party's ballot in private or public
0 must make public choice or declaration
1 can choose privately

party.reg: voters are required to register formally as members of the party in order to participate in the party's primary
0 formal registration with party not required to participate
1 already-affiliated voters are required to change their affiliation; independent/unaffiliated voters are not required to affiliate
2 all voters are required to register formally as members of the party
7 mixed: D = 0; R = 1

8 mixed: D = 1; R = 2
9 mixed: D = 0; R = 2
na state does not have partisan voter registration

change.partyreg: number of days in advance voters must register/affiliate with a party in order to participate in that party's primary election (where applicable; note that in some states affiliated voters have to make changes in advance while unaffiliated voters can affiliate on election day)
0 voters can register/change affiliation at the polls on primary election day
.
.
.
na state does not have partisan voter registration; OR voters do not need to register/affiliate formally with a party in order to participate

party.choice: state parties are allowed to choose their type of primary
0 not allowed to choose
1 allowed to choose

primary.runoff: state holds run-off primary elections
0 no run-off primaries
1 run-off primaries

crossfile: candidates are allowed to cross-file
0 not allowed to cross-file
1 allowed to cross-file

CQ.comments: additional notes or descriptions copied from the Congressional Quarterly sources (*America Votes; Congressional & Gubernatorial Primaries*)

comments: additional notes or descriptions taken from miscellaneous sources
see the detailed notes in the Appendix for more information about each state

Sources

McGhee, Eric; Masket, Seth; Shor, Boris; Rogers, Steven; McCarty, Nolan, 2013, "Replication data for: A Primary Cause of Partisanship?", https://hdl.handle.net/1902.1/22116, Harvard Dataverse, V2

Meinke, Scott R., Jeffrey K. Staton, and Steven T. Wuhs. 2006. "State Delegate Selection Rules for Presidential Nominations, 1972-2000." *The Journal of Politics* 68(1): 180-193.
(Scott Meinke generously provided the dataset via email)

Congressional Quarterly sources:
All 1992 primary dates, registration types, and enfranchisement rules coded from *Congressional and Gubernatorial Primaries, 1991-1992* (McGillivray, CQ)

All 1994 primary dates and registration types coded from *Congressional and Gubernatorial Primaries, 1993-94* (no enfranchisement information provided in this volume)

All 1998 primary dates, registration types, and enfranchisement rules coded from *U.S. Primary Elections 1997-1998* (Cook & McGillivray, CQ); note that they do not distinguish among the different types of "open" primary (private vs. public choice of ballot)

America Votes series (CQ)
Records primary election enfranchisement rules from 1996 to present. We were unable to consult 2008 or 2016 volumes.

Dates for presidential primaries, 1912-2000, from *CQ Guide to US Elections*, if not from state sources

> CQ's main source for primary data, 1912-1952: James W. Davis, *Presidential Primaries: Road to the White House* (1980)
>
> CQ's main source for primary data, 1956-2000: the *America Votes* series (Scammon and McGillivray)
>
> note: ds primary = delegate selection primary; no date is reported because Scammon did not record vote totals if the primary was strictly for delegate selection and there was no presidential preference voting

Miscellaneous sources:

Book of the States (published volumes from 1935 to present; available online http://knowledgecenter.csg.org/kc/category/content-type/content-type/book-states)

Starting in 2007, the *Book of States* contains information on enfranchisement rules. We entered their codes in the dataset for 2008-2016, but not for prior years because the data appeared to be incomplete and sometimes inaccurate.

The Frontloading HQ site (run by Josh Putnam) provides presidential primary and caucus dates going back to 1976: http://frontloading.blogspot.com/. We also consulted used FHQ to find the delegate counts for 2016: http://frontloading.blogspot.com/p/2016-democratic-delegate-allocation.html.

The Green Papers website: www.thegreenpapers.com. We used this site to find state delegate totals for the 2012 and 2008 presidential elections and to confirm voter eligibility rules (e.g., closed caucus, open primary, etc.).

The FEC website has a short archive of reporting dates, 2010-present (helpful for confirming primary election dates): https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/ (see chart with pre-election reporting dates)

Washington: There is a thorough history of its “blanket primary” and changes therein at https://www.sos.wa.gov//elections/bp_history.aspx

Alaska: Alaska's primary election history http://www.elections.alaska.gov/doc/forms/H42.pdf

California: Election dates were reported in the "Historical Voter Registration" tables in the official Statements of the Vote for the 2016 general and primary elections. See http://www.sos.ca.gov/elections/

Illinois: Some dates drawn from various State Board of Elections Official Vote Statements, plus Blue Books prior to 1948; all 2016 dates from http://elections.il.gov

Minnesota: https://www.leg.state.mn.us/lrl/mngov/electionresults (links to MN Legislative Manuals)

Note that http://ballotpedia.com contains some useful information (e.g., filing dates), but it does not usually stretch back further than 2012.

The National Conference of State Legislatures website provides the year that states adopted same-day voter registration: http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx