STEVEN S. SMITH *and* MELANIE J. SPRINGER

1 *Choosing Presidential Candidates*

Choosing presidential candidates is the most bewildering process in the American electoral system, if we dare call it a system. Only since the early 1970s, nearly two centuries into the history of the republic, have the two major parties employed rules governing the state delegate selection processes in much detail—and the two parties adopted quite different rules. Since the early 1970s, many, but not all, state legislatures have stepped in to establish by state law the timing of primaries and caucuses, eligibility to vote in primaries, the placement of candidates' names on ballots, and the process by which delegates are named by candidates. No two states have identical processes. No federal law governs the process of selecting delegates to the parties' national conventions, at which the presidential candidates are officially nominated.

In all of the recent presidential election cycles, the nomination process has generated controversy. Almost without exception, the controversy has been in the Democratic Party, which took the lead in reforming its nomination process in the 1970s. The 2008 nomination process proved to be the most contentious since 1968. Complaints were voiced about nearly every major feature of the process—the early dates of the first primaries and caucuses, the special role of Iowa and New Hampshire, the front-loading of so many state primaries and caucuses in the delegate selection season, the conflict between state laws and party rules over the timing of primaries, the large sums of money raised and spent by the top candidates, the role of "superdelegates"—party and public officials—in the selection of the Democratic nominee, and the long gap between the state primaries and caucuses and the national party conventions. Once again, calls for reform were heard from many quarters.

Over the past few decades, primaries have substituted for the traditional caucuses and conventions as the most important means for selecting delegates to the national conventions. As this happened, very different visions of fairness, party prerogatives, and public interest in the presidential nomination process emerged. Some observers insist that the somewhat chaotic, changing process is a good test for people seeking the presidency. The process tests candidates' strategic acumen, mental toughness, and physical stamina. Others argue that the national parties lack necessary control over the process by which they choose their own presidential nominees. They say that the national parties must more effectively address problems such as the timing of primaries and caucuses and, for the Democrats, the potentially decisive role of superdelegates. Another view is that the national parties have been unable to check the decisions of state legislatures and that state parties have produced a front-loaded, excessively long process with a mix of rules. Accordingly, some contend that federal legislation is necessary to protect the public interest. In fact, members of Congress have proposed a variety of plans to create more order in the nomination process.

In this chapter we provide a guide to the recent history of the presidential nomination process, the lessons of the 2008 experience, and an introduction to current proposals for reform. The most important story of the second half of the twentieth century is the relegation of most state party leaders to the sidelines of the nomination process and the rise of national nomination campaigns that focus on the mass public. The subplots are numerous and important. They include the alteration of rules governing who is eligible to participate in caucuses and primaries, changes in how votes are translated into delegates, the addition of superdelegates to the Democrats' process, the elongation of the process, the movement of more states' primaries and caucuses to the early stages of the schedule, and radical changes in the cost and financing strategies of candidates.

A Brief History of Modern Nomination Processes

Before 1972, delegates to the national party conventions were selected through a wide variety of mechanisms. In the early twentieth century, when a few states began to use primaries, the two most common mechanisms were election at state or district conventions and "delegate primaries" in which delegates' names, but usually not presidential candidates' names, were on the ballot. Far less frequently, state parties authorized their central committees to name delegates. All three mechanisms tended to be dominated by party lead-

ers, who controlled the selection of delegates and often handpicked their cronies. All methods were often combined with the practice of making many party leaders ex-officio and voting members of the delegation. This process generated insider nomination campaigns that drew on candidates' personal relations with party leaders and usually involved building coalitions among party activists; it seldom involved appeals to the broad public in a meaningful way. Nominees tended to be the favorite candidates of long-term party insiders. So-called regulars, long-term activists in party organizations, dominated the process.[1]

After the mid-twentieth century, nomination campaigns were national in scope and the outcomes of the national conventions were not in doubt. As political scientist Byron Shafer argues persuasively, several forces contributed to the emergence of more truly national campaigns for the nomination, which increased the probability that national momentum would generate a clear winner among delegates on the first ballot at the convention. First among those forces was the decline of local parties. This occurred as states implemented primaries for nominating candidates for state and local offices and patronage nearly disappeared as a means of appointing state and local employees. In fact, between 1968 and 1992, the number of states using a primary election for delegate selection increased from fifteen to forty for the Democrats and from fifteen to thirty-nine for the Republicans. State parties that continued to use caucus-convention systems opened them to broader participation. No longer were local political bosses the key to winning delegates in most states; power was more diffused.

The second force in changing the nature of nomination campaigns was the emergence of the national television networks, which spread the news about the candidates and delegate selection in the states and substituted for more local and partisan sources of information. This invariably created the possibility of nationwide shifts in sentiment about the candidates. Third, technology and money combined to enable truly national campaigns that exploited the weakened state parties and national media to build nationwide support, which contributed to building momentum from state to state for winning candidates. In fact, 1952 was the last year that either party's convention outcome was in serious doubt before the convention began (although some doubt existed for the Republican convention of 1976 and the Democratic convention of 1980).[2]

As much as the informal features of nomination campaigns were changing in the mid-1950s, the formal mechanics of delegate selection changed little. As we show in table 1-1, during the 1908–68 period only a minority of states

Table 1-1. *Mechanisms for Delegate Selection in the States, the District of Columbia, and the Territories, Selected Years*
Percent

Year	*Party committee*	*Party caucus/ convention*	*Delegate/ loophole primary*[a]	*Participatory caucus/ convention*	*Candidate primary*
Democrats					
1936	8	31	31	15	14
1968	13	24	19	21	23
1972	2	2	14	36	46
1984	0	0	0	37	63
2008[a]	0	0	0	30	70
Republicans					
1936	4	31	32	20	14
1968	5	24	23	28	20
1972	3	16	20	24	37
1984	4	1	8	32	54
2008[a]	0	0	4	34	62

Source: Shafer, *Bifurcated Politics*, 86–87; authors' calculations.

a. The Democrats sometimes called the district-level primary at which delegates were selected a "loophole" primary. These are candidate primaries in this classification. The term generally applies to primaries in which separate votes are cast for delegates and, in a merely preferential way, for candidates.

b. Excludes mixed caucus/primary systems in 2008: three Democrat and five Republican.

used "participatory conventions" or "candidate primaries." Participatory conventions involved local caucuses at which anyone willing to associate with the party could participate, followed by district and state conventions at which national convention delegates were selected. In candidate primaries, the names of presidential candidates were on the ballot to allow voters to directly express their preferences for the candidates. The majority of states, however, used processes dominated by party regulars through 1968.

The Democrats

The precipitating event for a revolution in formal delegate selection mechanisms was the 1968 Democratic convention. That event, which nominated the incumbent vice president, Hubert Humphrey, for the presidency, occurred in the midst of intensifying anti–Vietnam War sentiment in the party, in the aftermath of the April assassination of the Reverend Martin Luther King Jr.

and the June assassination of Senator Bobby Kennedy, and during clashes between protesters and Mayor Richard Daley's Chicago police. Humphrey won the nomination without participating in any primaries and instead pursued the traditional campaign of working with party leaders and activists to win delegates through state party committees and conventions. Dissatisfaction with this outcome prompted liberals—mainly supporters of Eugene McCarthy and Bobby Kennedy—to call for reform of the nomination process. The convention authorized the creation of the Commission on Party Structure and Delegate Selection, known as the McGovern-Fraser Commission for its chairmen, Senator George McGovern and Representative Donald Fraser. The commission proposed reforms that were adopted by the Democratic National Committee for the 1972 nomination season.

The McGovern-Fraser Commission produced several key rules intended to broaden participation in the candidate selection process and to produce delegates who reflected the sentiments of partisans.

—State parties were required to develop written rules to govern delegate selection so that party leaders could not manipulate the basic selection process on an ad hoc basis.

—Ex-officio delegates were banned in order to limit the automatic selection of party insiders as delegates; only 10 percent of delegates could be appointed by the state party committee.

—The selection of delegates before the calendar year of the election was banned in order to undermine the control of delegations by party leaders; local parties were required to advertise delegate selection events in advance.

—The unit rule—giving the winning candidate all of the delegates from a caucus or convention—was banned to give minority factions "fair representation" in delegations. A new rule was adopted that required that blacks, women, and young people be represented "in reasonable relation to their presence in the population of the state" on all delegate slates.

—A state that failed to follow the guidelines risked that its delegation would not be credentialed at the convention.

A process in which candidates received delegates in proportion to the vote in a primary election was a sure way to comply with the new Democratic rules. Democratic reformers in many states requested state legislation for a publicly run primary, and many state legislatures responded. Thus the immediate effect of these new party rules was the adoption of candidate primaries in a number of states, doubling the number of primary voters between 1968 and 1972 and eliminating the old processes that were often manipulated by state party leaders.

The 1972 Democratic presidential nominee, George McGovern, won only one state in the general election, a loss that some regulars, as well as top labor leaders, blamed on a nomination process that allowed extremists to take over. A commission headed by future senator Barbara Mikulski, then a Baltimore city council member, adopted a new rule that allowed up to 25 percent of a state's delegation to be made up of delegates chosen by the state party (now called "superdelegates"). These delegates, it was assumed, would be party regulars who were more concerned about party interests than about candidate or factional interests. Another new rule required primary ballots to list each delegate's preferred candidate, firming up the requirement that candidates' delegate shares be proportional to their caucus or primary percentages (for candidates receiving at least 10 percent of the vote). The new rules also abolished the implied quotas for race, gender, and age and substituted an obligation to ensure broad participation.

The rapid shift to primaries, particularly in most of the big states, surprised Democratic reformers and even disappointed some. Fraser, for example, advocated participatory caucuses that involved hours of discussion of the candidates and issues and gave the more highly motivated partisans more influence over outcomes. In fact, the McGovern-Fraser Commission heard arguments for a national primary, but rejected the idea because reformers preferred a system that allowed less-well-known candidates to build support in individual states. Incidentally, Fraser's home state of Minnesota was one of the states that continued to use a caucus-convention system.

Despite these changes, dissatisfaction with the nomination process continued. The performance of the Carter administration, the contest between President Jimmy Carter and Senator Ted Kennedy for the 1980 nomination, and the defeat of Carter by Ronald Reagan in 1980 left many Democrats frustrated with their party's nomination process and generated a bitter rules fight after the 1980 convention. Some Democrats, viewed as counter-reformers in some circles, wanted a stronger role for the party's leaders and public officials to improve the odds that the party's most effective candidate for the general election would be nominated. Others wanted a process that would produce a winner earlier so as to minimize intraparty conflict. A new commission, known as the Hunt Commission for its chair, Governor James Hunt Jr. of North Carolina, moved to allow states to create winner-take-all processes, but only for districts within states, and to mandate the election of unpledged party leaders and elected officials, who were soon called superdelegates. For the 1984 convention, about 14 percent of all Democratic delegates would be superdelegates, including about three-fifths of the Democrats in Congress, and an additional 8 percent would be pledged party leaders and public offi-

cials. Both the winner-take-all districts in a few states and the superdelegates were important to the nomination of former vice president Walter Mondale, but the protracted contest between Mondale and Senator Gary Hart showed that the proportionality rule, dating to the early 1970s, could prevent early resolution of the nomination by giving a losing but competitive candidate a large share of the delegates.

Democratic reforms in 1988 banned winner-take-all districts for both caucus-convention and primary systems, established a 15 percent threshold for winning delegates in a caucus, convention, or primary, and added more superdelegates. In subsequent election cycles, the number of superdelegates continued to grow incrementally. In 2008, superdelegates constituted over 18 percent of all delegates (before the Florida and Michigan delegations were penalized for violating a scheduling rule). The superdelegates proved inconsequential and noncontroversial between 1988 and 2004 because delegates pledged through caucus-convention and primary systems determined the Democratic outcome in all contests. In 2008 superdelegates became very controversial when it seemed that Senator Hillary Clinton and Senator Barack Obama, neither of whom had won a majority of convention delegates with just the pledged delegates from the caucuses and primaries, would need to appeal to superdelegates to gain a convention majority. With such closely matched candidates, the propriety of party leaders and public officials deciding the outcome was very controversial.

The Democrats' rules governing the basic delegate selection mechanisms did not change in any major way between 1988 and 2008, but a new issue arose. Beginning in the late 1980s, attention in both parties shifted to the timing of the early caucuses and primaries.[3] "Front-loading"—more states moving their caucuses and primaries earlier in the calendar—and the special place granted to the Iowa caucuses and New Hampshire primary were the dominant concerns. By the 1980s, it was obvious that early events received far more candidate and media attention and caused many candidates to drop out once their popularity and fundraising ability proved inadequate to continue. As a result, front-loading became the preeminent concern once California moved its primary up to early March for the 2000 nomination cycle.

There was some irony in the concern about front-loading. In the 1970s and early 1980s, some partisans considered an early start and early identification of a winner to be an advantage for the party. It ended intraparty conflict early in the presidential election year and gave the nominee more time to focus on the general election campaign. Starting in 1980, the Democrats had a rule that set a "window" for primaries and caucuses—roughly from early March to early June—that was thought to provide appropriate balance between get-

ting a nominee identified promptly and giving many states a role in the process. But increasingly, with more states moving their events forward on the calendar and the outcome known earlier in the process, party leaders and voters in states with late events felt disenfranchised. While serious examination of this problem began in both parties during the late 1990s, in 2004 the Democrats extended the window by a month by allowing states to hold an event in early February. They did so after the Republicans moved their first events to February in 2000 and benefited from the earlier surge in media coverage of their candidates. In 2004, this led Democrats in eighteen states to move their caucuses or primaries into February, which led the elections in Iowa and New Hampshire to be moved into January. Republicans also moved their caucuses and primaries earlier in a majority of those twenty states.

Then, before the 2008 nomination season began, the Democrats adopted a rule that banned caucuses or primaries before February 5, 2008, exempting Iowa and New Hampshire as well as two others (the Nevada caucuses and the South Carolina primary) to create some additional diversity in the early primary electorates. The new rule also created an automatic penalty—a loss of 50 percent of a state's delegates—for violating the timing rule and permitted the Democratic National Committee to increase the penalty. In 2008, the state legislatures in Michigan and Florida scheduled their states' party primaries before February 5 in violation of the rule. The Democratic National Committee penalized both states with the loss of all of their delegates, but when the penalty was appealed to the party's Rules and Bylaws Committee it was reduced to a loss of 50 percent of the votes (their delegates were given one-half vote each). Ultimately, the penalty was eliminated altogether at the convention when it was clear that delegates from those states would not affect the outcome for the nominee, Senator Barack Obama.

The Republicans

Between the early 1970s and the late 1990s, the Republicans' delegate selection processes evolved in tandem with reforms in the Democratic Party. Partly because many reform-minded Republicans also favored primaries and partly because state legislators wanted symmetry in the processes used by the two parties, most state legislatures that enacted presidential primaries for the Democrats in the 1970s did so for the Republicans at the same time. Consequently, between 1968 and 1976, the percentage of delegates selected through primary elections increased from about 40 percent to about 70 percent in both parties. The Republicans, like the Democrats, also moved to processes that encouraged broader participation in those states that had closed party

committee or caucus systems. The nationalization of candidate campaigns, movement to less politically seasoned delegates, and front-loading have also been similar for the two parties.

There are also important differences between the parties. Republican national party rules do not impose as many restrictions on state delegate selection processes as the Democrats' post-1968 rules. Republicans never banned winner-take-all systems that facilitated the accumulation of delegates by early front-runners for the nomination; they never adopted a proportionality rule; they never adopted quotas for demographic groups; they never reserved seats for members of Congress; and they never imposed a national threshold for acquiring delegates in caucuses or primaries. The only automatic delegates are each state's two members of the Republican National Committee and each state or territorial party chair (they are sometimes called superdelegates after the practice in the Democratic Party).

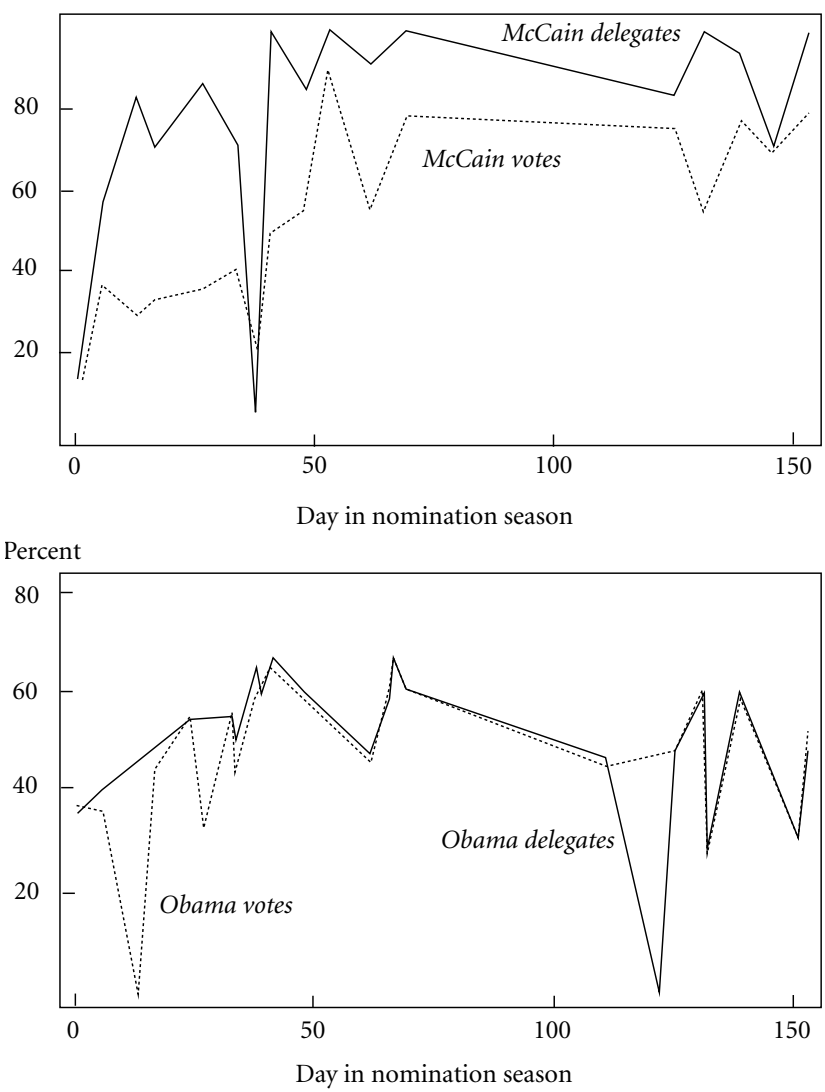
The differences in the parties' processes were reflected in the speed with which Senator John McCain accumulated delegates in 2008. Figure 1-1 shows the percentage of delegates won by McCain and Obama on the day of each caucus or primary. At first, because of the winner-take-all rules for Republicans in many states, McCain won large shares of the delegates in the early contests. He won even higher shares after his opponents began to drop out of the race. In contrast, Obama won a share of delegates roughly proportionate to his votes (in his contest with Clinton) throughout the nomination season, with only a few exceptions due to special rules in a handful of states.

Over the past few decades, Republicans have been spared the bitter battles over delegate selection procedures that engulfed the Democrats and their candidates from time to time. Nevertheless, issues have arisen. In the 1980s, for example, social conservatives sought rules to force states to select delegates to the national convention at the local level—where social conservatives' strength would be greatest. Delegates who were elected to congressional district and state conventions, they believed, tended to be older, more prominent, regular Republicans who did not give social issues sufficient priority. Their efforts failed, although social conservatives successfully organized to get delegates elected to state and national conventions.

Republican Caucus-Convention Systems

While Republicans followed the Democrats in the move to primaries, Republicans took the lead in considering national rules to address front-loading. In 1996, many states moved their primaries and caucuses into March from later dates, which created an early and compact schedule that many party leaders

Figure 1-1. *McCain and Obama Vote and Delegate Shares, by Event Day, 2008*



agreed was detrimental to the process. Republican leaders expressed concerns about (1) the difficulty of lesser-known candidates becoming competitive when there was such a premium placed on having money and support in the first events, and (2) the challenges candidates faced in campaigning in so

many states in such a short period. They preferred a process stretched over several months that allowed candidates to gain support in a few early contests and gradually attract support and attention. Many in the party opposed placing mandates on state parties to limit front-loading. Instead, the party adopted an incentive system that gave states more delegates the later they held their primaries or caucuses. For 2000, under the adopted plan, states that held their events between March 15 and April 14 received 5 percent more delegates, states with events between April 15 and May 14 received 7.5 percent more delegates, and later states received 10 percent more delegates. The Republicans also for the first time established that no delegate selection event should take place before the first Tuesday in February, although no penalties were created for violating the rule.

The new incentives proved inadequate. California moved its 2000 primary to the first Tuesday of March. With New York and the New England states already scheduled for that day, the California move meant that about 40 percent of Republican delegates—and even more for Democrats—would be selected on that day. Later states risked that the nomination would be determined before they voted, so other states began to consider earlier dates in order to get more candidate and media attention. These considerations completely overwhelmed the small incentives the Republicans had established. A few more delegates at the convention did a state little good if the nomination outcome was determined before it voted.

In response to the increased front-loading that year, the 2000 Republican reform commission recommended a plan that would have the smallest states hold their events first and on a certain date, and then move through three more tiers of states in increasing size over a period of a few months. The plan was intended to encourage retail campaigning in the early smaller states while still leaving most delegates to be selected later in the process. The Republican Rules Committee approved the plan, but the idea was dropped at the request of George W. Bush's campaign. Many states did not like their place in the scheme, and the Bush campaign did not want a fight over the matter. No similar plans have been given serious consideration since then.

Republicans' frustration with front-loading continued during the 2004 cycle and led to the adoption of a window for 2008 caucuses and primaries similar to the Democrats' rule. Giving up on the positive incentives for event timing, the Republicans adopted a penalty that would take away delegates if a state or state party selected delegates too early. Under the rule, a state loses 50 percent of its delegates if the delegates are selected before the opening date for the window, set for the first Tuesday in February. Florida, Michigan, New

Hampshire, South Carolina, and Wyoming violated the rule and lost half of their delegates to the 2008 convention. Iowa also held its precinct caucuses early, but it did not violate the party rule because it did not actually select delegates to the national convention in its precinct caucuses. In contrast to the Democratic experience in 2008, it was clear that the lost Republican delegates would not figure in a significant way in the nomination outcome, so little media attention was given to the penalties in the Republican Party.

With such similar concerns about front-loading and compactness in the two parties, discussions between the two parties began in 2007 to coordinate on a schedule for the 2012 cycle. At this writing, no agreement has been reached on how the parties will proceed.

The Unpredicted 2008 Nomination Season

By 2008, critics of the delegate selection process focused on two of its acquired features: (1) front-loading and compactness, and (2) superdelegates. In 1976, hardly a generation earlier, no state held a delegate selection event until mid-February. Only Iowa, New Hampshire, and Massachusetts held events in February, and it took until mid-May for 55 percent of all delegates to be selected in either party. In 2008, with so many states, particularly large states, moving their primaries to February 5, about 60 percent of delegates were decided by the end of that day. For the Republicans, for whom many primaries were winner-take-all, 55 percent were determined by February 5, excluding the nonpledged members of the Republican National Committee and half of the five delegations that lost 50 percent of their delegates by going before February 5.

The front-loaded 2008 process led most observers, and probably most campaign strategists, to predict that the presidential nominees would be identified by mid-February. After all, in the previous few cycles a front-runner emerged quickly, and 2008 had an even more front-loaded schedule. It turned out that way for the Republicans, for whom Senator John McCain was the clear expected winner after doing well on Super Tuesday and in the February 12 primaries in the District of Columbia, Maryland, and Virginia a week later. Mayor Rudy Giuliani, who chose not to compete actively in Iowa, New Hampshire, and South Carolina, waited for Florida, but fell too far behind in the polls after McCain's early wins. Mitt Romney contended ferociously with McCain but his withdrawal after Super Tuesday gave McCain a large lead. Governor Mike Huckabee stayed in the race, appealing to social conservatives, but fell farther behind as McCain continued to accumulate delegates with the help of winner-take-all systems.

The front-loaded process did not turn out as predicted for the Democrats, for whom the contest between Senators Clinton and Obama extended until June. Clinton trailed Obama in the media's informal delegate counts by about 200 delegates at the end of May, with three primaries yet to be held. Because of the closeness of the contest, superdelegates were important for the first time since 1984. As a consequence, the role of superdelegates proved controversial because, in the view of many Obama supporters, superdelegates were not elected through primary or caucus voting and lacked the legitimacy to determine the outcome. In the end, a majority of the late-deciding superdelegates committed to Obama, with some of them arguing that they had an obligation to support the candidate that led among delegates pledged through caucuses and primaries, and Obama won the nomination.

After the dust settled, Democrats also wondered about the proportionality rule that gives candidates who receive at least 15 percent of the vote a proportionate share of state or district delegates. The rule, combined with the nearly even support for Clinton and Obama and their dedicated supporters in different segments of the party, seemed to lengthen the Democratic nomination contest. In contrast, the winner-take-all rule used in many states on the Republican side allowed McCain to accumulate delegates quickly with a series of plurality wins. McCain's wins led Governor Mitt Romney to drop out of the contest after Super Tuesday and seemed to reduce support for other contenders. By becoming the nominee apparent so early, McCain was able to start a general election campaign earlier than Obama and avoid the additional months of criticism from within his own party.

The Democrats' 2008 nomination contest ended with considerable interest in addressing front-loading and compactness with new party rules. Great frustration with the function and potential decisiveness of superdelegates also left many Democrats demanding their removal all together. More interest than usual was also given to the possibility of a coordinated approach between the two parties in addressing the schedule of caucuses and primaries. Several members of Congress introduced legislation to provide for a national scheme.

Proposals for Reform, circa 2009

The essays in this volume address many of the implications of the current system and the major proposals for reform. Here we outline the central ideas of the most important proposals.

Complaints about the current process come from many sources and with a mix of motivations. It is useful to realize that many of the concerns about

the current process have generated somewhat incompatible proposals, often flowing from competing values about democratic processes and the substantial remaining differences in the way state delegate selection processes are structured. Consider the following dualities. For example, some insist that the process remains too closed in many states where participation in caucuses and primaries is limited; and yet others argue that party outsiders—independents and supporters of the other party—are influencing the choice of a nominee that should be left to partisans. Some complain that the process is too long and tests the patience of the electorate, while others observe that the process is so compact that the winner is usually identified so early that a large part of the electorate is disenfranchised.

Proposals for reform have accumulated and are again being given serious consideration. Reform commissions were authorized by the 2008 conventions, this time with the Republicans, as the Democrats had done in the past, allowing rules to be changed between conventions. We highlight the main variants.

Stiffen Current Rules

One school of thought is that the somewhat chaotic process of allowing states and state parties to control the process is desirable or, at worst, a necessary evil. It lets candidates start early in small states where face-to-face campaigning is possible; it winnows the candidates gradually; and it tests their stamina, strategic skills, and fundraising appeal. All that is needed, according to this view, is some tough-minded action by the two national parties to enforce their nomination season windows to reduce front-loading. The parties have been too timid so far, and the draw of candidate and media attention has overwhelmed party incentives. To stiffen penalties for holding a caucus or primary before the parties' start dates, the parties could increase the automatic loss of pledged delegates and superdelegates from 50 to 75 or 100 percent, cut the allocation of delegates in the next nomination cycle, or reduce state representation on the national committees. To foster compliance with the rules, the parties could allocate a large bonus of delegates—say, up to 50 percent—to states that hold caucuses or primaries late in the nomination season.

Tightening rules and increasing penalties for violations of timing and other rules is controversial. One issue is fairness. Often the timing of a state's primaries for both parties is determined by a governor and a state legislature in control of one party. That was the situation for Florida Democrats in 2008, whose primary date was determined by a Republican state legislature and governor. Another issue is the effect of the penalty on the popularity of the

party in the affected state. In 2008, Democrats worried openly and repeatedly that the penalty imposed by the Democratic National Committee on Florida and Michigan would hurt the party's chances in the fall election. Finally, it is not clear that it is possible to structure incentives any more strongly than the Democrats did for 2008, when Florida and Michigan risked losing all of their delegates if they held their primaries before the February 5 start date.

Winner-Take-All Systems

Some Democrats envy the way the winner-take-all system used by Republicans encourages the early identification of a winner. A variety of proposals to loosen Democrats' proportionality rule have been suggested, although seldom by senior Democrats. They range from eliminating the rule, to freeing state parties to choose their own system, to allowing only a part of a state's delegation to be determined on a winner-take-all basis. None of these proposals appears to be popular with a majority of Democrats, who seem to give greater weight than Republicans to the representativeness of delegations and the convention than to the decisiveness of the caucus and primary contests. As a result, senior Democrats have not dared advocate this "antidemocratic" reform.[4]

Structured Sequencing Plans

Several proposals involve a more radical structuring of the schedule to (1) group states (by region or size) and (2) sequence caucuses and primaries over a specified schedule by group. Some reformers allow Iowa and New Hampshire, or other states, to get an early start in order to allow the process to begin with retail politics in small states. All are intended to address front-loading and compactness.

Regional primaries are the most widely discussed proposals. Each scheme groups states into a set of regions (usually four to eight), has the states in each region vote on the same day, schedules the voting dates two to four weeks apart, and, randomly or on a rotating basis, changes the order of regions every four years. First proposed by Senator Robert Packwood in 1972, the plan was advocated by Vice President Walter Mondale in the 1980s and the National Association of Secretaries of State (NASS) in the late 1990s. The NASS would allow Iowa and New Hampshire to hold the first caucus and first primary. Another variant is a time-zone primary, with each region being defined by the states in each of the four continental time zones. (The Regional Lottery Plan, with the order of region voting determined by lot, is described in chapter 7.)[5]

Proponents argue that, with a structured sequence of geographically concentrated caucuses and primaries, candidates could focus on one region at a time, allowing them to center their resources on regional media markets and limit their travel time. Caucuses and primaries would be distributed over time and so would not be as front-loaded as they have become. Furthermore, it is noted, regions are diverse enough to keep the campaigns from becoming too parochial. Yet critics observe that however diverse most regions might be there is no way to guarantee that some candidates would not be greatly advantaged by the order in which the regions voted. Moreover, the regional schemes do not eliminate the risk that the effective winners will not be determined before the electorates in the last one or two regions have an opportunity to vote.

Graduated Plans

Reformers have offered solutions to the limitations of the regional primary plans, two of which have become known as the Delaware Plan and the California Plan. The Delaware Plan, advocated by a Delaware state Republican chairman, creates four groups of states arranged from the smallest to the largest states and has state caucuses and primaries in each group vote on the same date or period, with the groups voting in ascending order of population, the largest states last, in successive months. The plan was endorsed by the Rules Committee of the Republican National Committee in 2000, but was unceremoniously dropped when the leaders of the party and George W. Bush's campaign team realized that it would be controversial on the floor of the convention and distract attention from the presidential candidacy and campaign at hand.

The *Delaware Plan* has attracted significant attention in both parties. Iowa and New Hampshire are given no exemption in the plan, but, the plan's advocates observe, retail politics and easy candidate entry is preserved, at least to some extent, by having the smallest states' caucuses and primaries first. If the largest quarter of the states with about half of all delegates go last, the nomination is less likely to be settled as early as it is under current arrangements. Detractors note that the campaign efficiencies of the regional schemes are lost with the Delaware Plan. They also observe that the small states are not representative of the nation as a whole, being less urban and less diverse than larger states, and yet might winnow candidates in a way that would not happen if some larger states went early.[6]

The *California Plan*, so called because of its endorsement by the California Democratic Party, is also known as the American Plan and the Graduated

Random Presidential Primary System, and is closely associated with California Democratic activist Thomas Gangale. It was designed to deal with a claimed weakness of the Delaware Plan—that large states are always last—but is by far the most complicated of the reform proposals. Under the plan, caucuses and primaries take place over ten two-week periods. Randomly selected states with no more than eight congressional districts vote in the first period. In each successive voting period, the number of districts is increased by eight and states are randomly placed in a group. Thus New York would vote no earlier than the fourth round. If left at that, larger states have too many electoral votes to go early, so the plan makes an adjustment to the order: Group 7 is placed before Group 4, Group 8 is placed before Group 5, and Group 9 is placed before Group 6. Groups are determined well in advance of the twenty-week caucus/primary season by a central authority, either the national parties or a federal agency.[7]

The California Plan attracted some support from the Democrats' 2005 reform committee. The plan allows larger states, randomly selected, to vote in the middle of the schedule and so corrects the key problem associated with the Delaware Plan while eliminating front-loading. It allows retail politics in the smaller states in the early rounds. It favors no specific states by virtue of its random selection of states into groups. Although the schedule is somewhat complicated, it would be fixed in advance and surely would be no more complicated than the current schedule.

A National Primary

Even the California Plan might impose an "ordering effect" on the outcome. Random or not, the order of state voting in any year could advantage some candidates and disadvantage others by granting more influence over the outcome to early states than to later states. Moreover, it is nearly inevitable that many contests would be settled before all states have their caucuses or primaries. This leads some observers, although a remarkably small number in recent years, to favor a national primary election to determine each major party's presidential nominee. Advocates argue that only by having a simultaneous vote on a nationwide basis, with the outcome determined by popular vote, can each voter in a party's nomination process have equal influence over the outcome, and bias due to the ordering of caucuses and primaries would be avoided.

A national primary surely would alter the process in fundamental ways. Opponents usually note two consequences. First, candidates would be forced to build national campaigns from the start, rather than having the ability to

focus on Iowa, New Hampshire, and other relatively small states to build support and attract free publicity from the national media. Less well-known and well-financed candidates would be greatly disadvantaged by a national primary. Second, the voting public in states that do not have early events now would lose the benefit from the elongated process that gives voters time to learn about the candidates.

The national primary has not been given serious consideration by either party since the early 1970s, when Democratic reforms spurred the primary movement. Instead, reformers who advocate the structured sequencing plans seek to preserve sequencing that allows retail politics in early contests, spreads delegate selection events over a three- or four-month period, and allows lesser-known candidates to build support over the many weeks of the process. Of course, all structured sequencing plans create the possibility that outcomes will be determined before some states have an opportunity to participate, with the corresponding disenfranchisement and potential bias that may result.[8]

Reform in Perspective

As the 2008 caucus and primary season began, party leaders showed great frustration with their inability to keep states from moving their caucuses and primaries earlier in the year. Yet the 2008 Democratic contest cast doubt on the thesis that front-loading is sufficient to produce early winners, although early events knocked out most Democratic candidates and the Republican process yielded the predicted early outcome. An old issue, the role of superdelegates, resurfaced, and a seemingly settled issue, proportionality in delegate selection, generated new discussion. On the Democratic side, the 2008 experience seemed to increase the salience of, and even scramble long-standing attitudes about, these key features of the process. In concluding this chapter, we make some observations about the proposed reforms.

Our first observation is that there is no strong consensus about the key values to be reflected in the nomination process. There is good reason for this: The features of a process that are valued by the parties, candidates, and voters are not mutually compatible in all respects. Advocates for a process that allows lesser-known and less-well-funded candidates to earn attention favor a slow starting process that grants a special role to a few small states, like Iowa and New Hampshire, to initiate it. Some place high value on a longer process that winnows the candidates gradually, allowing voters at each stage in a long sequence to see the candidates and express preferences about the remaining

choices, and testing the candidates' ability to organize effectively over a multistage process. In contrast, strong advocates of a convention that is representative of the mix of preferences in a party must worry that the winnowing of candidates will limit the choices of states with late events. Furthermore, partisans may favor a process that produces an early decisive winner who can start a general election campaign at an early date. They might like a winner-take-all system, even if it produces a convention stacked with delegates who are unrepresentative of the party as a whole. Choosing a candidate who will be effective in the general election is harder to do early in the calendar year and might require that some partisans, such as party leaders, be given greater influence over the choice. Caucus advocates emphasize the value of neighbors gathering to deliberate over candidates and issues; primary advocates emphasize the importance of giving all citizens a meaningful opportunity to participate.

Given the complex dynamics of nomination campaigns and the competing values at stake in any reform, we conclude that it is not likely that any "fix" to front-loading will be a permanent solution with fully predictable and stable externalities. Changes in technology, fundraising, the media, party coalitions, and other factors will eventually yield unforeseen consequences to any set of rules. Support for particular proposals often will be temporary as preferences for process evolve with strategic interests in nomination politics. Consequently, we are skeptical about the long-term viability of any solution to front-loading or the other issues that have been raised. We prefer approaches that allow adjustments without raising high obstacles to future reforms, and recommend a multidimensional approach to revising the current system that calls for the national parties to continue to take the lead in reform.

We believe that the national parties are best equipped to reform the nomination process, for both practical and legal reasons. First, only the national parties have any hope of reforming the process in a way that is effective and retains future flexibility. Many states and state parties simply do not have national party interests in mind when establishing their delegate selection rules. Many state legislatures are controlled by one party, have no interest in cooperating with both parties, and may even have an incentive to cause trouble for one of the parties. But reform through federal legislation would create a process that is difficult to adjust to future circumstances. It would inevitably lock in the role of the two major parties and disadvantage upstart parties. Moreover, new legislation would be subject to veto by the House of Representatives, the Senate (or a filibustering Senate minority), or the president. Thus only the national parties themselves can move in a way that is both comprehensive and reasonably adaptable.

Second, governmental action at either the state or federal level that dictates the national parties' rules for endorsing candidates may not be constitutional. The courts clearly give national party rules on delegate selection priority over state law. Less clear is whether there is a foundation in the U.S. Constitution for federal legislation for, say, creating a system of regional primaries, as has been proposed in many bills introduced in Congress. The Constitution is silent on the matter, although campaign finance laws have been found constitutional even in the absence of express authorization in the Constitution. Some reformers advocate a constitutional amendment to authorize federal regulation of the nomination process, but we still would not find federal intervention desirable over the long term. That would be wise only if the legislation reflected real wisdom about the long-term interests of the nation and the parties. We doubt that that wisdom exists. (Chapter 9 addresses these issues in more detail.)

We realize that depending on the national parties to reform the nomination process is problematic. Effective reform would require the two parties to coordinate, at least on scheduling matters, so that states are given compatible instructions and neither party views itself as disadvantaged by the process. Effective reform also requires coordination on enforcement mechanisms. For example, the parties might agree to apply any punishment equally and simultaneously for states that schedule events too early. Maintaining this kind of coordination would not be easy since it would be voluntary and the parties' interests would frequently diverge, as when an incumbent president is seeking reelection and controls the national chairman and committee.

Unfortunately, not all features of democratic practice can be fixed for the long haul. Tolerance of imperfection, which is hard to find in the reformist political culture of the United States, remains essential for many key features of American democracy. In this case, we believe that a party process should be left to the parties. The question, then, is how to coordinate the rules of the national parties. There is no obvious formula for doing so, but we conclude by offering two suggestions: the creation of a joint party commission on delegate selection and action on the timing of delegate selection events.

First, the parties should establish a joint commission on delegate selection, authorized by both national conventions for a ten-year period, to address the scheduling of events. The commission should have the authority to propose rules to the two national committees, which in turn should have the authority to adopt amendments to party rules on delegate selection. A long-term authorization would give the commission the opportunity to propose changes in two or three steps. The national committees would be allowed to make changes in the rules between conventions. And of course both parties would have to approve of any new rules.

Second, the commission should look for ways to make the rules of the two parties identical with respect to the timing of caucuses and primaries and similar in other aspects of delegate selection. By far the most important responsibilities of a commission would be coordinating the schedule of caucuses and primaries and creating strong incentives for states to adhere to it. Purists would argue in favor of some specific scheme, such as dropping the Democrats' exemption for Iowa, New Hampshire, and other early states from the first-event rule. We would prefer to leave the details to the commission and instead encourage the commission to address front-loading with the maintenance of stiff penalties for states that violate the scheduling rules and strong incentives in additional delegates for states that do not schedule their events at the start of the process.

Notes

1. This chapter draws from many sources on presidential nomination processes in recent decades. See Bruce A. Altschuler, "Selecting Presidential Nominees by National Primary: An Idea Whose Time Has Come?" *The Forum* 5 (2008) (www.bepress.com/forum/vol5/iss4/art5/ [November 5, 2008]); James W. Ceaser, *Reforming the Reforms: A Critical Analysis of the Presidential Selection Process* (Cambridge, Mass.: Ballinger, 1982); William J. Crotty and John S. Jackson, *Presidential Primaries and Nominations* (Washington: CQ Press, 1985); James W. Davis, *Presidential Primaries: Road to the White House* (Westport, Conn.: Greenwood Press, 1980); Paul T. David, *Presidential Nominating Politics in 1952* (Johns Hopkins University Press, 1954); Paul T. David and James W. Ceaser, *Proportional Representation in Presidential Nominating Politics* (University Press of Virginia, 1980); Robert E. DiClerico and James W. Davis, *Choosing Our Choices: Debating the Presidential Nominating Process, Enduring Questions in American Political Life* (Lanham, Md.: Rowman & Littlefield, 2000); Scott Keeter and Cliff Zukin, *Uninformed Choice: The Failure of the New Presidential Nominating System, American Political Parties and Elections* (New York: Praeger, 1983); James I. Lengle, *Representation and Presidential Primaries: The Democratic Party in the Post-Reform Era* (Westport, Conn.: Greenwood Press, 1981); William G. Mayer, ed., *In Pursuit of the White House 2000: How We Choose Our Presidential Nominees* (New York: Chatham House, 2000); William G. Mayer and Andrew Busch, *The Front-Loading Problem in Presidential Nominations* (Washington: Brookings, 2004); Nelson W. Polsby, *Consequences of Party Reform* (Oxford University Press, 1983); Nelson W. Polsby, Aaron B. Wildavsky, and David A. Hopkins, *Presidential Elections: Strategies and Structures of American Politics*, 12th ed. (Lanham, Md.: Rowman & Littlefield, 2008); David E. Price, *Bringing Back the Parties* (Washington: CQ Press, 1984); Austin Ranney, *The Federalization of Presidential Primaries* (Washington: American Enterprise Institute, 1978); Howard L. Reiter, *Selecting the President: The Nominating Process in Transition* (Uni-

versity of Pennsylvania Press, 1985); Gary L. Rose, ed., *Controversial Issues in Presidential Selection*, 2nd ed. (State University of New York Press, 1994); Byron E. Shafer, *Quiet Revolution: The Struggle for the Democratic Party and the Shaping of Post-Reform Politics* (New York: Russell Sage Foundation, 1983); Byron E. Shafer, *Bifurcated Politics: Evolution and Reform in the National Party Convention* (Harvard University Press, 1988).

2. Shafer, *Bifurcated Politics*, pp. 6–39.

3. A summary of Democratic rules related to the timing of caucuses and primaries is available at www.democrats.org/page/s/nominating [June 1, 2008].

4. Some Democrats see instant runoff voting (IRV) as a way to provide for winner-take-all outcomes without the troubling possibility that the winners might have the support of only a small plurality of voters. With IRV, voters rank the candidates in order of preference. Winning requires a majority of votes. If no candidate receives a majority of first-place votes, then the candidate with the fewest first-place votes is eliminated and his or her second-place votes are distributed to the other candidates. This process continues until one candidate has a majority of votes among the remaining candidates. IRV is good for preventing candidates with little support from spoiling the outcome for a more popular candidate, as long as there are only two top candidates. It is not a sure solution to the spoiler problem when there are three or more very competitive candidates, as there often are in presidential primaries. To see this, consider three competitive candidates, A, B, and C, and other less popular candidates. Assume that your preference is for C first and B second and you vote that way. Further assume that at some point A, B, and C are the remaining candidates and that A has the most support and B the least, so B will be the first of the three who is eliminated. Unless most of the B votes transfer to C, which is extremely unlikely, A might then beat C. You preferred B over A so, in retrospect, you should have given B your first-place vote. That is, you should have voted strategically to get the best possible outcome for you, which was B. That is the same strategic problem you face under the current plurality rule.

5. For a description of the 2008 NASS regional plan, see http://nass.org/index.php?option=com_content&task=view&id=74&Itemid=45 [October 23, 2008].

6. Mayer and Busch, *The Front-Loading Problem in Presidential Nominations*, pp. 108–09.

7. For detail on the California plan, see Thomas Gangale, "The California Plan: A 21st Century Method for Nominating Presidential Candidates," *PS: Political Science and Politics* 37 (January 2004): 81–87; and Thomas Gangale, *From the Primaries to the Polls: How to Repair America's Broken Presidential Nomination Process* (Westport, Conn.: Praeger, 2008).

8. For an argument for a national primary, see Thomas Cronin and Robert Loevy, "The Case for a National Primary Convention Plan," *Public Opinion* 5 (December–January 1983): 50–53.