

Reforming the Nominating System: Maybe There is No Better Way

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The race between Hillary Clinton and Barack Obama for the Democratic Party nomination was unlike any in history. There have been some relatively competitive presidential primaries in recent years, but in those years, the nominating system has allowed for a clear winner, or presumptive nominee, well before the end of the primaries. Before 1972, the nominating process was dominated by party bosses with primaries being relatively peripheral to the process, so comparisons between 2008 and, for example, 1960 or 1968 are of limited relevance.

In 2008, Hillary Clinton tested the assumptions behind the primary system, refusing to give up, thus prolonging a process long beyond the point when Barack Obama had amassed a prohibitive lead in pledged delegates. Depending on your views, this can be attributed to her perseverance and commitment or to her ambition and selfishness, but in either case she was the first candidate to do this since the McGovern-Fraser reforms created the modern nominating system.

The failure of the nominating system to determine a clear winner, relatively early in the process, will lead many in the party to call for changing this system, particularly if Obama loses to McCain. The current system is a hybrid of pledge and unpledged delegates, primaries and caucuses, open and closed primaries, and early races with many candidates and late races with far fewer candidates. In the past, these faults have been hidden because there has rarely been more than one candidate who is popular with the voters, able to raise money and able to survive a long difficult campaign.

While the nominating system probably should be reformed, doing that will not be simple. Most of the easy solutions to fixing the nominating system are neither easy nor solutions. Proposals such as creating a one day nationwide primary, changing the campaign calendar, abolishing caucuses, apportioning state's delegates on a winner take all basis or eliminating superdelegates will not create a clearly better nominating system.

The idea of a one day nationwide primary is appealing because of its simplicity and decisiveness, but it has several major drawbacks as well. First, the fundraising threshold for a nationwide primary would be enormous. None but the most well funded candidates would be able to put operations together in all fifty states; and even fewer candidates would be able to advertise or communicate with voters throughout the entire country.

Because of the financial difficulty of raising enough money to run nationwide, a national primary would benefit those candidates who were well known or well liked across a region or demographic group. In a multi-candidate race, this support could provide the plurality needed to win the nomination. In this case, the winner of the nationwide primary might get 25% or less of his or her party's primary vote. This vote could be concentrated in one region or one

demographic group leading to the party to nominate a candidate who might be unpalatable to a majority of the party.

The current system has proven very efficient at winnowing the field of candidates, while making it possible for the occasional, and exceptionally strong, dark horse to break through. In a nationwide primary this would be lost. A one day national primary would provide no opportunity for less well known candidates to emerge.

Changing the primary calendar is related to the national primary idea and often proposed as a way to make the nominating system better. Already, the primary calendar changes every four years. For the last two decades, there has been a tendency to move primaries forward. This year, for example, the primaries began earlier than ever before. Some early states, notably Iowa, New Hampshire, South Carolina and Nevada enjoyed their moment in the political sun, but this year, for the first time in a very long time, the late states, such as North Carolina, Indiana and Pennsylvania also were very important. It was a positive and democratic development that these states had input on choosing the Democratic nominee, but 2008 should have made it clear that there is no magic calendar bullet, such as moving the primaries up, pushing them back, bunching them together or separating them, that would have a major impact on a race with two or more well-funded, competitive and roughly equally popular candidates.

At several points in her campaign, Clinton argued that caucuses were somehow unfair and that Obama's victories in those states weren't really legitimate. This was, of course, ridiculous, because the rules had been established before the campaign started. Nonetheless we can expect calls to get rid of caucuses to increase. However, Caucuses, particularly early caucuses such as Iowa, play a valuable role in the nominating process.

When there are more than two candidates in the race, caucuses provide voters an opportunity to support a second choice if their first candidate is not viable. This is a rare but valuable opportunity for American voters. When choosing between 5-8 candidates, as is often the case in early caucus states like Iowa, voters can register their support for a second choice if their first choice does not have enough support. This helps provide a more nuanced picture of the electorate and its preferences and is one of the reasons caucuses help winnow the field. The deliberative aspect of the caucuses also enriches the party's attempt to identify a nominee. Once the campaign has been narrowed to two candidates, caucuses play a less useful role, but it is not possible to know in advance how many candidates will be involved at any given time, so this may be unavoidable.

The Republican process worked much more effectively than the Democratic one this year so some will undoubtedly argue in favor of the Democratic Party switching, or more accurately, switching back, to the winner take all system of awarding delegates from a particular state that is used by the Republican Party. However, A winner take all system would not have solved the Democratic problems this year. Clinton and Obama would probably have split the early states just as they did, and then adjusted their strategies accordingly. For example, Obama would have competed much more in the larger states and Clinton probably would not have written off so many of the small states. However, some of the other candidates might have stayed in longer because this system could have benefited them. John Edwards could have carved out a regional

base in the upper south, Bill Richardson in the four corners area and perhaps Texas. Christopher Dodd and Joseph Biden might have carried 2-5 states as well. This would have made things more, not less, complicated for the Democrats.

Superdelegates are another institution which will be questioned after the election. The current system, at first cut, seems to have reached the point where there are enough superdelegates that they have become a central part of the process, but too few for them to actually play a determinative role in the election. Before 1972 there were very few or no delegates chosen from primaries, so almost all delegates were effectively superdelegates, although many were controlled by state party leaders. Superdelegates were created in 1982 by the Hunt Commission and constituted only 14% of overall delegates in 1984. This number has steadily crept upwards so that by 2008 they represent 20% of overall delegates. Interestingly, the superdelegates this year, as in 1984, will simply ensure that the winner of pledged delegates becomes the nominee. Clinton supporters may take umbrage at that, but the majority of superdelegates seem to think that the delegate winner should be the nominee.

This suggests that the superdelegates may, in fact, be superfluous to the process, but abolishing them would not in of itself solve any of the problems. If there were no superdelegates this race would have still been extremely close. Given the range of rationales Hillary Clinton has presented for being ahead at various times in this race, it seems relatively certain that even without superdelegates on which to pin her hopes, Clinton would have found a way to keep her campaign going and demand the nomination.

This year, the system was unable to produce an early winner between two well funded, smart, popular candidates, each of whom had a strong appeal to key constituencies within the party. The result was an exciting, dramatic and highly competitive race in which, in the eyes of some, a real winner did not emerge until the final vote was cast. This speaks to the strength, not the weakness, of the system. If Senator Clinton supports Senator Obama, very few Democrats will be complaining about the nominating system when Obama is elected in November. If, however, Senator Clinton continues to find more rationales for why she should be the nominee and does not get behind the nominee as every other candidate who came in second for the nomination in modern times has done, it is not the nominating system that Democrats should blame.