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IS THIS ANY WAY TO PICK A PRESIDENT?

Melissa Butler, Moderator

As I put these readings together, it looks as though Donald Trump and Hillary Clinton will emerge from the July conventions as their parties' nominees. But the nominating process itself drew widespread criticism as a "hodgepodge," "incomprehensible," and (worse): "undemocratic," "unfair," and in Trump's words, "rigged."

Is the process really broken?

If so, what is wrong with it?

And, how might it be fixed?

Clinton and Trump have the highest "negative" poll ratings of any presidential candidates since polling began. Would a better process yield better candidates?

Pat Garofalo "The U.S. Has a Primary Problem: Primary elections, from the presidential level on down, are a total mess." US News (Feb. 19, 2016).

When it was all said and done and the final results were tallied, former Secretary of State Hillary Clinton and Vermont Sen. Bernie Sanders fought to a tie in New Hampshire's first-in-the-nation primary.

Wait, what?

Yes, Sanders won the election in the Granite State by a whopping 22 points, dealing what was trumpeted from coast to coast as a major blow to the Clinton campaign and its oft-mentioned "inevitability" ahead of Saturday's Nevada caucus. But when the delegates were doled out – and in presidential nomination races, they're the number that really matters – each camp walked out of New Hampshire with at least 15.

That's because Clinton, while losing the state's allocated delegates 15-9, has the support of six New Hampshire "superdelegates," party insiders who get to cast a vote at the nominating convention divorced from any election result.

Undemocratic? You bet. But it's par for the course when it comes to America's primaries, which from the presidential level right on down are a disaster of disenfranchisement, discrimination and despair. In short, America has a serious primary problem.

Let's start at the top: Our system for choosing presidential nominees makes little sense. As Brookings Institution senior fellow Elaine Kamarck wrote recently, "There are many different ways to organize a presidential nominating system and almost all of them are more rational and orderly than the hodgepodge of systems that voters experience today."

To start, Iowa and New Hampshire go first simply because they do, even though they are wildly unrepresentative of the nation as a whole. They're smaller, way more white and way more rural, and, in the case of Iowa, more evangelical, with a side of bizarre special-interest politics in the form of the ethanol lobby. Yet they shake up the race, thinning the herd before most of the country has a chance to vote. In fact, the order of the primaries effectively disenfranchises millions of Americans. It's possible that the primaries and caucuses in March and April will result in two candidates having insurmountable delegate leads. So what about voters in states whose primaries aren't until May or even June?

And these aren't small buckets of people: They're the residents of California, New Jersey, New Mexico and the Dakotas. (Adding some insult to injury, the already disenfranchised residents of the District of Columbia vote dead last in the nation.) The sequential system, as currently designed, makes the votes of millions of Americans far less important than the few residents of the early states. Some 535,000 caucus-goers in Iowa can matter more than the millions eligible to vote in the Golden or Garden States, depending on what happens there in terms of culling candidates or setting "expectations" for the rest of the campaign.

"No one sat down one day and said Iowa must go first, by God, and then New Hampshire," says David Karol, associate professor of government and politics at the University of Maryland. "That's a historical accident." Even if the results aren't necessarily predictive of who ultimately gets the nomination, the two early states have an effect on the race disproportionate to their size or demographic makeup. Which brings us to our second problem: caucuses.

Several states, including early-goers Iowa and Nevada, use caucuses rather than secret ballot elections to decide who gets their presidential delegates. This process – more akin to a public meeting than an election, particularly on the Democratic side – warps the nomination race by severely limiting voter turnout and rewarding more extreme voters.

Because coming to a caucus is much more of a commitment than casting a traditional secret ballot – both in the amount of time it takes and, for the Democratic primary in Iowa at least, having to publicly declare your allegiance – they tend to attract the most committed supporters of a candidate and only those who have the time to navigate the drawn-out process.

"Even after accounting for many other factors, caucus attenders were more ideologically extreme than primary voters," wrote Brigham Young University political science professors Christopher Karpowitz and Jeremy Pope. "Voters who perceive caucuses as unfair, less friendly to different points of view, and better for special interests may not be able to perfectly articulate what is wrong with caucuses, but their intuition that caucuses are not representative is supported by the data."

Consider: Iowa caucus winner Ted Cruz, a Republican GOP senator from Texas, received just 51,000 votes, out of a state with some 2 million eligible voters. For anyone who can't afford to take several hours to caucus in the evening due to a job or parental duties or who knows what other responsibility, too bad. (And don't even get me started on Iowa's coin tosses.)

Which brings us finally to the superdelegates. Clinton currently leads Sanders in the superdelegate count by a total of 362 to 8. To many critics, these delegates are the epitome of unaccountable party politicking; they were explicitly brought into being after Democratic officials were unhappy with the winners of the 1972 and 1976 presidential primaries.

These delegates can switch so there aren't enough of them to reverse a landslide, but it is theoretically possible for them to tip a close election one way or the other. It's never really come to that, and there are reasons to think the superdelegates wouldn't ultimately reverse the voters' will, but it could mathematically happen. (Republicans have superdelegates too, but they aren't free to vote for any old candidate.)

The upshot of the presidential primary system, then, is that it leaves a lot of people out in the cold unless the race is so competitive that it comes down to the final few states. Even then, voters in later states don't get to choose from the same slate of candidates as those who go first. And superdelegates add a veneer of party wheeling

and dealing to the process that doesn't have to be there, even if their effect on the final tally is usually negligible.

But local primaries are actually a bigger problem. In many places, primaries at the local level, as they are for state or presidential elections, are "closed," meaning only registered members of the party can participate. While this may make sense in elections for federal offices, where party ID really matters, at the local level, where politics is often dominated by one party, it really doesn't.

Consider Washington, D.C., or Baltimore. In both places, the Democratic primary is considered the be-all, end-all of election season; the winner is the odds-on favorite to win in the general election come November. In fact, the winner of the Democratic primary has won every mayoral election in D.C. since the city created the position. About 76 percent of the capital city is registered Democratic, while 17 percent are of no party and 6 percent are Republican. Those who, for whatever reason, don't wish to register as a Democrat are in many cases frozen out of the decision-making process entirely by not being able to participate in the primary. By the time the general comes around, the simple weight of numbers renders their votes largely meaningless. (The absurdity is compounded by Democrats simply switching to run as "independents" for the city council seats explicitly set aside for non-majority parties.)

A trip down the Baltimore-Washington Parkway to Charm City, as it's known, finds an even bigger mess. Thirteen candidates are running in the Democratic primary to replace outgoing Mayor Stephanie Rawlings-Blake this year. The winner of that primary, again, is the overwhelming favorite to triumph in November due to the city's partisan tilt; only 8 percent of registered voters are Republican. So it's possible for the preferred candidate of a small subsection of one party to assume office in the fall. The latest poll, taken before Black Lives Matter activist DeRay Mckesson jumped into the race at the last second, shows former Mayor Sheila Dixon leading with 27 percent of the vote.

At the national level, closed primaries, for all their faults, help knit together disparate national parties. For local elections, however, they simply freeze out anyone not willing to affiliate with the party in power.

All that said, "the way party leaders are chosen around the world is much less inclusive," says Karol. "The big clear trend over the course of American history is toward more participation and more inclusion." Indeed, until fairly recently party elites in the U.S. simply foisted nominees onto voters, as they do in many countries operating parliamentary systems; the process is much improved since then.

Still, a recent Morning Consult poll showed broad dissatisfaction with the current primary process. Large majorities support dumping Iowa and New Hampshire as the first primaries (and also making Election Day a national holiday, a good move for boosting voter turnout).

The problem with actually implementing a new system, though, is two-fold. First, the current beneficiaries will do just about anything to preserve their positions, whilst others only see the drawbacks with the system every four years and then

forget about them until the next nomination season rolls around. But more importantly, the fixes all have their own downsides. One big national primary? Name ID and money could play a bigger role than they already do. Rotating regional primaries (an idea which I'm very sympathetic to)? Again, more territory preferences, money, plus anyone from the first region gets a big advantage.

It's also unclear if Congress, the natural arbiter, even has the power to re-do the system, or the political will to follow through assuming it did. As Kamarck noted, some 300 bills have been introduced in Congress over the years to reform presidential primaries "and not one of them has seen the light of day."

At the local level, cities could experiment with the so-called "blanket primary" system used in California, Louisiana and Washington state, in which all candidates run in one primary and the top two vote-getters – regardless of party – move on to the general election. While the jury is out on how such a system benefits state-level elections, it would certainly give marginalized parties more of an opportunity to participate in places where they currently have next to no say at all.

There are no quick and easy solutions here, no snap of the fingers that will turn our current morass into the perfect system. But one thing is clear: We could do a lot better.

[Linda Qiu](#) “5 questions you have about delegates, answered”, Politifact.com
Tuesday, March 29th, 2016

From roll calls and speeches to flags and funny hats, the national conventions are usually conventional pep rallies for the two major parties ([Clint Eastwood and empty chairs](#) in Tampa notwithstanding). But this year, the Democratic and Republican delegates and the arcane rules that govern their gatherings actually matter.

On the left, Hillary Clinton remains the favorite for the nomination, but Bernie Sanders hasn't given up hope, buoyed by some 2,000 delegates still available for capture.

On the right, Donald Trump could fall short of winning a majority of delegates, and that may lead to a contested GOP convention.

After all, it's the delegates at the convention — not the voters back home — who have the last word on the nominees.

"Any time we've got a closely contested nomination like this, it does come as a surprise to primary voters that the delegates are the ones who ultimately make the decision," said Joshua Putnam, a government professor at the University of Georgia.

How exactly the delegates will do their thing is complicated ("We could dig through the rules through eternity, and they'll be changed by the time we're done," said Putnam). But PolitiFact's got you covered. Here are answers to some questions you may have had about the nominating process.

What is a delegate?

Delegates are the individuals who brandish signs and cheer under balloons. More importantly, they vote for their party's presidential nominees at this summer's conventions. In July, 2,472 of them will rally in Cleveland for the Republican convention, while 4,765 delegates will meet in Philadelphia for the Democrats. Trump and Clinton have each received a plurality of the delegates so far, but in order for presidential candidates to nab their party's nomination, they have to receive the support of a majority. That's 1,237 for the Republicans and 2,383 for the Democrats.

Who gets to be a delegate?

Most delegates are grassroots party activists who campaign to represent their congressional district or their state at large. But both parties also set aside a certain number of delegate slots for "party insiders."

On the [GOP side](#), these are each state's party chair and two Republican National Committee members. The committee members — 112 in all — also make the rules that govern the national convention. (More on this later).

Under the Democratic Party's system, about one-sixth of the delegates are [party officials and big shots](#): members of the DNC, all the Democrats in Congress, all Democratic governors, and distinguished party leaders (such as all former and current presidents and vice presidents). Unlike the Republican party leaders, these 700 or so Democratic [superdelegates](#) aren't bound to primary results and can vote for whomever they wish.

If you're not a party insider, how do you become a delegate?

The rules for delegate selection are [byzantine](#), varying not only by party but by state, by year and even by congressional districts.

To make matters more confusing, it's often an entirely separate process from [both parties'](#) presidential nominating contests. In fact, many delegate elections haven't happened yet.

Most states stipulate that elected delegates should be reflective of primary results. But in a few places like Wisconsin and Washington, it's possible that a district votes for Trump in a primary and, after the primary, elects a delegate for Ted Cruz at local and state conventions.

Voters directly pick delegates in just a few states (i.e. [Illinois](#) and [West Virginia](#)) while the presidential candidates select delegates in others ([California](#), [New Hampshire](#)). In [Florida](#), meanwhile, all the candidates submit lists of proposed delegates, and voters elect among these nominations after the primary at district conventions.

All Democratic delegates, except the superdelegates, are pledged to vote at the convention for their state's or district's winner. On the whole, the GOP delegates are also supposed to reflect the will of their state's voters, but the rules give them some leeway.

On the Republican convention's first ballot, nearly all of the delegates are obligated to vote for the candidate who won their district or state. But if no

candidate nabs the 1,237 votes on the first ballot, most delegates are released to support whomever they want on subsequent votes.

Then there's the 112 members of the rules committee. They determine convention guidelines, and they have the power to change rules at the convention. In theory, they could [release all the delegates](#) before the first ballot. One delegate has already argued for that in a [letter](#) to the party, though it seems an unlikely scenario.

Finally, there are potentially 200 Republican delegates thus far who are up for grabs, either because they're free agents due to state rules or because the candidate they supported dropped out.

So does this mean the uncommitted delegates could thwart Trump and boost Clinton?

This is the question that gets at the heart of convention controversies in both parties: how uncooperative delegates could deny Trump the GOP nomination, and how superdelegates could sway the Democratic nomination in Clinton's favor.

Most of the Democrats' 700 or so superdelegates are pledged to Clinton, but are free to shift their allegiance. Sanders has suggested they should flip their votes according to the primary results of their state. But the deck is stacked against him.

"If you gave Bernie all of the superdelegates in the states he's won, it wouldn't be enough to reverse (Clinton's) superdelegate lead," David Wasserman, who tracks delegate math for the Cook Political Report, [told](#) the *Washington Post*.

Collecting delegates is more crucial for the Republican side. Should Trump fail to nab the majority of delegates on the first ballot — and at this point, that looks entirely possible — the race becomes a fight for the support of those on the convention floor.

Since many delegates will be free to vote for whomever they wish on a second ballot, they could conceivably ditch Trump on later votes. Take, for example, South Carolina. Though Trump won the state, only Republicans who attended the state's 2015 convention — in other words, party insiders or activists — can become delegates. Many have expressed support for Cruz over Trump, [reports Politico](#).

In Louisiana, Cruz may actually end up with [more supporters](#) than the primary winner, Trump, [noted the Wall Street Journal](#). That's because five delegates are unbound per state rules and five were allocated to Marco Rubio. These 10 have indicated that they are more likely to back Cruz, prompting a [lawsuit threat](#) from Trump.

In fact, *National Review* [reports](#) that a good chunk of delegates across the country could likely defect to Cruz. In other words, the second ballot favors the Texas senator who's done a much better job organizing around the rules, according to Putnam.

"The Cruz campaign did its due diligence by forging these relationships in 2016

and before," Putnam said. "The Trump folks are playing catch up."
Nonetheless, the candidates are not done wooing individual delegates. And Trump, a self-described virtuoso at dealmaking, is ready to negotiate. "It's everything from, 'Come campaign in our state,' or 'Do a fundraiser for a state party,' or 'Put stronger language about right to life in the platform,' " Trump strategist Barry Bennett [told NBC](#). "Or all kinds of crazy things that are important to whoever the delegate is."

[Trump steaks, anyone?](#)