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# Presidential Nominations and Regional Primaries: An Analysis of Proposals for Reform

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Presidential Nominations and Regional Primaries:  
An Analysis of Proposals for Reform

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**Introduction**

The 2007-2008 presidential nominations season will go down in the record books as the longest, the most expensive, the most frontloaded, the most debated, the most unpredictable and the most contentious presidential nominations contest in American history. Part of the reason for the scope and depth of the highly public conflict was the fact that this was the first time since 1952 when a sitting president or vice president was not a serious contender for the nomination of one of the two major parties. Thus, it is an open seat contest for both major parties, and both parties have attracted from eight to ten potential early contenders for the nomination. After several trial balloons and early drop-outs by officially announced candidates, the fall of 2007 pre-primary season produced eight officially announced candidates for both parties. A lot of contenders meant a lot of traffic, and lot of coming and going into the early primary and caucus states, like Iowa and New Hampshire, and crowded stages when both parties held their seemingly innumerable pre-nomination presidential debates in the 2007 warm up season. It also meant that the mass media were very active, especially early in trying to handicap the frontrunners and dark-horses, and in trying to keep up with all the press releases and political machinations from all the candidates and their camps. It also meant that the paid media, especially television, came up in the early contest states much more extensively and earlier than it had in the past. The campaign was on in full force in the early months of 2007 and as that year wore on the intensity of the media's coverage of campaign 2008 increased with each month. By the end of 2007 it seemed like the race for 2008 had already been underway for a very long time. Many observers were saying that the campaign season was just too long, a complaint which had been heard in previous races, but perhaps never heard quite this early.

For comparison, it is worth noting that in 1968, forty years ago and the last year before the rules reforms transformed the system, Senator Robert Kennedy announced that he was running for president on March 16<sup>th</sup> and the incumbent president, Lyndon Johnson, announced that he was dropping out on March 31<sup>st</sup>. Vice President Hubert Humphrey immediately announced that he was running to replace Johnson. Humphrey ultimately became the Democratic Party's nominee, and he did so without entering or winning a single primary. That whole system has changed today and is massively "frontloaded" with more and more states moving their presidential primaries and caucuses to the first two months of the election year. The major emphasis now is on running in and winning the early primaries and caucuses. The rule now is, "win early and win often" or be winnowed out inexorably and quickly. The party rules changes have produced a whole new nominations system where the premium has been placed by the states on holding their primaries or caucuses as early as possible and with the states involved in intense competition over who can go first and how the early states can comply with the national party rules. It has also produced a much larger number of states now holding primaries and approximately three-fourths of the national convention delegates are now selected in primaries. The last three decades have produced a whole new presidential nominations system and one which has become immensely

more complicated, expensive, and long because of the frontloading of the calendar and the unpredictability of what strategies the states will adopt with each one jockeying for an advantageous position and looking out for its own state interests (Jackson and Crotty, 2000; Wayne, 2004; Polsby and Wildavsky, 2008).

In addition to the rules changing and the primaries taking a much more prominent role, the federal financing of primaries, which had undergirded the contests since 1976 had kept both parties within certain fairly narrowly restricted fundraising and spending boundaries under the rules regarding federal financing and matching funds. This system started to collapse in 2000 when President George W. Bush decided to forego federal matching funds, and the spending limits they entailed, in his nominations quest that year. The system collapsed almost entirely, especially for the frontrunners, in 2004 when both George Bush and John Kerry, as well as Howard Dean for the Democrats refused federal financing. In 2008, all the top tier candidates in both parties refused federal financing, except for John Edwards, and it was taken as a sign of weakness in his fundraising capacity when he decided to accept federal funding and their attendant spending caps. As a result, the informal targets for the Democrats to raise by the end of 2007 became around \$100 million which both Senators Hillary Clinton and Barack Obama were able to meet. The stakes to be competitive for the Republicans were slightly lower, which is unusual that the Democrats would outspend the Republicans, but the pace was set by the Republican leaders, Romney and Giuliani, both of whom expected to raise at least \$75 million by the end of 2007. By contrast, Vice President Al Gove only raised and spent approximately \$35 million to win a competitive nominations contest against Senator Bill Bradley in 2000 when both Democratic candidates operated under the federal financing rules in effect then. So, the price of admission to the first tier of the high stakes nominations game has tripled in just eight years. The fundraising starts earlier and the financial targets are much greater now for the competitive candidates.

Perhaps the most unusual and negative feature of the whole pre-nominations season in 2007-2008 was the fact that the calendar was in a state of flux from the beginning, and it took an unprecedented length of time for the primaries and caucuses calendar to be settled. The nominations calendar was also settled later than it had ever been before. This uncertainty also produced very significant conflict between the national parties and the state legislatures and governors of several states as well as with their state parties. The two national parties, acting through the Democratic National Committee and the Republican National Committee, tried to settle the calendars for the states early in the season. They fixed a window within which most states were required to hold their presidential primaries or caucuses. That window was set by the national parties to be between February 2 and July 28<sup>th</sup>. This rule propelled action on the part of a number of states who had originally scheduled primaries and caucuses in March, or later, to move to Tuesday, February 5<sup>th</sup> which quickly became the most popular date. Ultimately twenty two states settled on that date for their presidential primary or caucus. The Democrats decided, as usual, to let New Hampshire and Iowa go first and earlier than the window provided for the other states. The Republicans decided that the Iowa caucuses, even though held outside the window, would not be a violation of the rules since those caucuses do not technically select the delegates to the national conventions. The Democrats also agreed to let the Nevada caucuses and the South Carolina primary be held in January as an attempt to get more diversity

into the early contests. (This decision was at least tacit recognition of the unrepresentative nature of the populations of Iowa and New Hampshire). Later Florida, Michigan, and the Wyoming Republicans decided that they, too, should hold their contests in January. This rush to the front by other states precipitated a deeply divisive fight between the state governments and state parties and both national party organizations. The Democratic National Committee decided that they had to enforce national party law with respect to the window and that Florida and Michigan would lose their delegate seats in the Democratic National Convention in August of 2008 if the states did not hold their primaries within the prescribed windows. The Republican National Committee took similar steps; however, they directed that only half of the delegates to their national convention would be withheld from the non-compliant states. This was the major sanction the national parties possessed, and it was a mark of how seriously they took the challenge from the states that they were willing to at least threaten to exercise that sanction. Although many observers doubted that the party nominees would ultimately back up the threat when the actual time for the national conventions rolled around the conflict prolonged the time it took to settle on a final set of calendar dates for all the states involved.

More unsettling still was the constant jockeying for early position engaged in by most states and the unsettling effects this had on the overall calendar. (See Appendix A for the 2008 calendar.) In many states either their governors or their state legislatures, or state party officials were determined not to be left out of the decision making process. They wanted their primary or caucus to be noticed nationally and to count and they wanted the voters in their states to be heard. Their hotel, motel, rental car agencies, and television stations also wanted a piece of the significant revenue stream that was flowing into the early contest states. And why not? Why should the voters in Iowa and New Hampshire have such an outsized influence on who would be the Democratic and the Republican nominee for President of the United State? This is the most powerful and important office in the world as we often hear asserted. Why should two small, predominantly rural and clearly unrepresentative states get to start the whole process and provide a major boost to the winners and cosign the losers of those contests to an early exit? The voices of other states, like Michigan and Florida, both of whom are much more diverse than Iowa or New Hampshire, were raised with increased insistence in the 2007 calendar wars.

In addition, in the current system the mass media largely get to define the rules of the “expectations game”. That is, they get to decide which candidates have met, exceeded, and failed to exceed their expectations as to how the candidates were supposed to do in those early contests. Thus, even a second place finisher, like Clinton in New Hampshire in 1992, McCarthy in New Hampshire in 1968, Pat Robertson in Iowa in 1988, Gary Hart in Iowa in 1984, Jimmy Carter in Iowa in 1976, and George McGovern in Iowa and New Hampshire in 1972 all were deemed to have exceeded expectations even though they came in second and did not win the most votes. Nevertheless, they got the lion’s share of the news coverage and enjoyed at least a temporary “bounce” in the polls which came with the story line of winning or exceeding expectations in those two early states. The way the current system operates magnifies the power of the media to define expectations and then determine the winners and losers. Careful empirical research has demonstrated that the mass media, especially television, lavish approximately half of their total nominations coverage on the Iowa caucuses and the New Hampshire primary (Adams, 1988; Wayne, 2004, 121-123). In addition, the rest of the very early contests garner

most of the rest of the media's attention. Media coverage of the early contests is intense leading up to the early contests; then the question of who will be the nominee of both parties is quickly settled, and the late deciding states receive no media or candidate attention at all.

All of these forces acting together produced the most frontloaded nominations calendar in history in 2008. It also produced the earliest dates in history for the first caucus in Iowa and the first primary in New Hampshire to be held. In fact, the jockeying for position got so bad that there was serious consideration given to either Iowa or New Hampshire holding their contests in December of 2007. Iowa ultimately settled for January 3, a Thursday, two days after New Year's Day to hold its caucuses. This left New Hampshire to try to settle on a date for its primary and that decision was not announced until November 21, 2007, the day before Thanksgiving. On that date, New Hampshire Secretary of State, Bill Gardner, who had the sole discretion to decide on the final date, announced that the date for New Hampshire would be January 8<sup>th</sup>, only five days after Iowa (Achenbach, 2007, A-1). This was the earliest either state had held its opening contests. At that point, the Iowa caucus was only 42 days away, and the New Hampshire primary was only 47 days away. The Michigan primary was set for January 15<sup>th</sup>, in defiance of both national parties and that decision was also tied up in court. The South Carolina Republican Primary and the Nevada caucuses were set for January 19, and the Democratic primary in South Carolina was set for January 26. The Florida primary for both parties was scheduled for January 29<sup>th</sup>. Thus, seven states were set to hold their primaries or caucuses before the end of January, 2008, the earliest opening salvoes ever in presidential nominations politics.

Frontloading was not a new phenomenon and it had been underway with increasing velocity since 1988; however, it was taken to the extreme in 2008. What previously had been a steady stream of states swimming toward the front of the calendar before became a tide by 2007. February 5<sup>th</sup> was the earliest Tuesday feasible, without conflict with the national parties over the rules, and it became the favorite date. By the time the smoke had settled, 22 states had taken action to hold their nominations contest on that day. Since 1984 similar big days on the nominations calendars had been dubbed "Super-Tuesday" by the media. This date, February 5<sup>th</sup>, loomed so large because the number of states holding primaries or caucuses that day meant that well over a majority of the delegates would be selected by that date and the name of both nominees would almost certainly be known by then. Counting the states with January contests, this meant that over half of the states would have been heard from by the end of the day on February 5<sup>th</sup>. February 5<sup>th</sup> became so big and so important that the media started searching for adequate superlatives to describe it. Various new labels were suggested including "Mega-Tuesday," "Super-Duper Tuesday," and a variety of other new terms were offered to try to distinguish it from its predecessors. Nevertheless, the schedule as planned through February 5<sup>th</sup> still left over twenty states with primaries or caucuses later than that date, and these left behind states were highly unlikely to have much, if any, impact on who would be the nominee for president for either major party.

In 2007, the scramble to the front and the jockeying for the earliest dates on the calendar caused enormous uncertainty for all concerned (Pearson, 2007). Since Iowa and New Hampshire demand to be first, the dates were not fixed until much later than usual, and the machinations with respect to the interests of Iowa and New Hampshire versus Michigan and Florida, South Carolina and Nevada and other states quickly got to be quite conflict ridden and contentious. During the Fall of 2007

the nation waited with interest on a decision from the Secretary of State in New Hampshire, Bill Gardner, who was vested with sole power and authority to fire the opening gun in the most important race in the world. Secretary Gardner was widely reported to be keeping his counsel as to when the gun would be fired. For months the media speculated that it could be January 8<sup>th</sup>, 2008. Or, depending on which other state needed to be outflanked, there was speculation that the New Hampshire primary could have been set as early as Tuesday, December 11<sup>th</sup> 2007. Secretary Gardner was obligated to follow New Hampshire state law which provided that the state's presidential primary must be held at least seven days before any other "similar event" (a term which is undefined). Secretary Gardner was waiting on the other states, such as Iowa, Michigan and Florida to settle on a date, so he could then make the final choice for the New Hampshire primary date. Traditionally, there is a provision for eight days between Iowa and New Hampshire, so Iowa can bask in the sunlight of the national media for a moment. If Michigan went on January 15, then Iowa could go on Tuesday, January 8<sup>th</sup>. Iowa finally chose Thursday, January 3<sup>rd</sup> for its caucuses so if that were to be the date (Tuesday, January 1<sup>st</sup> seemed to be out of the question), then there would be only five days between Thursday, January 3<sup>rd</sup>, and a New Hampshire Primary on Tuesday, January 8<sup>th</sup>, and many speculated that five days would not be enough time to suit New Hampshire's desire to be the focus of attention for as long as possible; however, January 8<sup>th</sup> was ultimately the date chosen by Secretary Gardner and New Hampshire (Wang, 2007, 5A).

To add further uncertainty to the mix, there was significant national news coverage of the fact that the Democratic National Committee threatened to withhold the convention delegate credentials from both Florida and Michigan if they did not follow the national calendar which the DNC adopted (Ohlemacher, 2007, 6A). The Republican National Committee had the same calendar rule and threatened to enforce it. Then the RNC decided to withhold only half the national convention delegate seats from Michigan, Florida, South Carolina, Wyoming, and New Hampshire if they don't follow the rules with regard to the window. Even New Hampshire, which had traditionally been given an exception, was held to this rule since they scheduled their primary so early. (Shear, 2007. "RNC Makes Punishment Official"). Then there was a "mini drama" played out as to which Democratic candidates had promised not to campaign in Florida or Michigan during the primary season, but maybe send in their surrogates under cover of darkness and pretend they were there on other kinds of business. (It proved to be difficult to not notice a former president being in the state and pretending that he was actually not there promoting his wife's candidacy).

Just to try to recount all these Machiavellian machinations shows just how esoteric and ridiculous the considerations became late in 2007 and early in 2008. It also emphasizes how parochial the calendar considerations were. That is the point, i.e. the rules are set for all kinds of local and parochial reasons with little or no regard for any sense of an overarching national interest in the decisions which are made. What's good for the motel operators and television stations in Iowa and New Hampshire may not necessarily be good for the nation. Thus, there is a real need to consider alternatives which could be put into place well before the game begins again for 2012. If new rules can be agreed upon by the two national parties then the two national conventions which will meet in August for the Democrats and in September for the Republicans can act on the new rules for 2012 in relative

isolation from considerations of the advantages of prospective candidates for 2012. This is especially the case for the out party, and it will be unclear who the out party will be when the conventions meet.

### **Prescriptions for Change**

The prescriptive section of this paper begins with a set of propositions in favor of change in the present nominations system. These prescriptions as follow flow from the set of conditions described above which provided a thumbnail sketch of the 2007-2008 pre-nomination and nominations season:

1. The presidential nominations system we have now is not rational. It is chaotic and confused, and the rules of the game are not agreed upon before the beginning of the game. What's more, it has been a mess for many years and it got much worse in the 2007-2008 cycle.
2. The President and the Vice President of the United States are the only two nationally elected officials we have. If there has ever existed a national office in the United States, with a national interest attached, it is the nominations and elections for president.

The current chaotic system is the product of 50 different states, and 100 different state parties looking after their own interests. In addition, they are looking after the interests of the hotel and motel owners, the media owners, the rental car agencies, the restaurants and bars who want to attract attention, and the hordes of reporters and volunteers who show up in the snows of Iowa and New Hampshire in the dead of winter, to fill up rooms and bar stools which would otherwise be unoccupied. A study commissioned by the state of New Hampshire found that their presidential primary in 2000 resulted in an infusion of \$264 million directly into the state's economy (Cited in Wayne, 2004, 152). That figure would certainly be much bigger for 2004 and 2008.

"Momentum, Money and Media" have become the name of the game in this process. The requirements for the candidates to collect vast sums of money in order to attract the media's attention and to buy their advertising, in order to create the sense of momentum have become the insatiable imperatives of the current system. Usually that means heavy commitment first and foremost to Iowa and New Hampshire with a side-long glance in 2008 for Nevada and South Carolina with some additional strategy for how to handle Florida and Michigan.

It is all well and good for states to have tradition and pride and one can respect New Hampshire and Iowa's views on their pride of place. Another point in favor of Iowa and New Hampshire is that they are both "purple" states, i.e. they are swing states. Iowa went for Gore in 2000 and for Bush in 2004 (narrowly) while New Hampshire went in the opposite direction. It is also true that many who have campaigned in those two states sing the praises of the voters there. They are serious citizens who seem to take their civic duty and responsibilities quite seriously. They are reported to ask serious and relevant questions and to expect answers in kind. Campaigning in Iowa and New Hampshire apparently realizes what is called "retail politics" at its best. However, it is nothing more than historic accident that these two states are first. Indeed that pride of place has been attained only fairly recently by both New



Hampshire and Iowa. New Hampshire claims that their distinction of holding the first in the nation primary extends all the way back to 1920; however, until the reforms fundamentally changed the nominations process and elevated the role of the primaries in the period between 1968 and 1972, it mattered very little which state went first and when the New Hampshire primary was held. In addition, in the case of Iowa the “first in the nation” tradition only got started in 1972 and it only started receiving national notice in 1976 when Jimmy Carter ran second to “uncommitted” but received credit for an upset victory in Iowa which helped to launch his outsider victory in the Democratic contests that year (Squire, 1988, chapter one). In addition, neither state is remotely representative of the rest of the United States. Both are more rural, more white, i.e. , they have fewer minorities, and older than the nation as a whole (Stone, Abramowitz, and Rapoport, 1989). New Hampshire is also better educated and more prosperous than the national average (U. S. Census Bureau, State and County Quick Facts, accessed December 3, 2007. Also see: Bain and Elkins, 2007). It may be desirable to find a place where retail politics can be practiced early in the nominations cycle and some of the proposals reviewed below achieve that objective; however, it is quite possible to find states that are populated by equally civic minded citizens while at the same time being much more representative of the nation as a whole. Who is to say that the citizens of Michigan, Wyoming, and Florida, for example, would not rise to the occasion if they had the national spotlight and were invited to exercise an outsized impact on who would be the nominees of the two major parties for the next president of the United States? Indeed, there is evidence from the 2007 experience that the citizens of South Carolina and Nevada took their new found responsibilities quite seriously and turned out in force to attend candidate rallies and to listen to the candidate debates held in their states.

The president of the United States is the most powerful office in the world as we like to say. Electing the president is the World Series and the Super Bowl of politics. The current system is like us starting the Super Bowl or the World Series without having any agreed upon set of rules of the game. We are supposed to work out the rules of the game after the game has already started. To borrow an analogy from basketball, it is as though we decided to decide after the game had already started what the rule was about a three point basket and how far away it should be shot and whether it really counted for three or only two points. That is exactly what we were doing in the warm up to 2008. If there was ever a “national interest” in American politics, the establishment of a set of commonly agreed upon and rational set of rules for the selection of the president should be it. Procedurally, it is certainly possible to devise several more rational alternatives. The question is one of finding the political will to do it.

The First Amendment’s protection of the right of association gives the national parties a good deal of power to regulate and overcome state laws according to recent rulings from the Supreme Court of the United States. The Supreme Court of the United States has clearly agreed that this kind of decision can be made by the national parties and that their party rules and laws take precedence over even state laws. This was the thrust of a series of rulings starting with Cousins v. Wigoda (1976) regarding the seating of the Chicago delegation to the 1972 Democratic national convention and running down through the Democratic Party of the U. S. v. LaFollette (1981) case out of Wisconsin, regarding the parties requiring closed primaries and the most recent case overturning the blanket primary, i.e.

California Democratic Party vs. Jones, (2000). All of those cases give wide latitude to the associational rights of the parties and those rights would transfer to the right of the national parties to make national rules for the control of their nominations. It also potentially means the U. S. Congress could regulate, by passing a federal law, adopting a national set of rules governing presidential nominations and many experts believe that to be a viable option. For example, U. S. Senators Amy Klobucher, Lamar Alexander, and Joseph Lieberman, and their staffs have proposed federal legislation, reviewed below, which takes that position, and they firmly maintain that it is constitutional. Likewise, U. S. Representative Sander Levin and Senator Bill Nelson have introduced a presidential primary reform bill, and they believe that federal legislation is in good constitutional order. That proposition regarding the potential for the congress and the president to address the issue through federal law is more problematic and more controversial however. Political Scientist, William Mayer of Northeastern University, for example, has a cogent and forceful argument that this is not a decision which the federal government should make and that the constitution leaves it up to the states to conduct elections and thus they have the power to decide when to hold their nominations contests (Mayer, NASS presentation, November 16, 2007). Mayer's position does not preclude the national parties taking action on their own authority and initiative.

### ***The Criteria***

What should be the standards or criteria we use to select a set of rules? The following are criteria developed by the author which he advocates. It also provides a brief rationale for the rules advocated.

1. The rules of the game should be predictable, transparent, and agreed upon in advance.
2. The rules, in so far as possible, should be neutral, i.e. not unfairly advantage or disadvantage any particular party, candidate, faction, or group who are likely to play. (If the rules can't be entirely neutral, the advantages and disadvantages they bestow should at least be randomly distributed.) Candidates will always act "strategically", that is try to maximize their own best interests; however, that should not prevent the rules from seeking to make the rules neutral.
3. The plan should maximize "communities of interest", i.e. show which candidates will run better in which different parts of the nation.
4. The plan should not foreclose the outcome prematurely by its timing, i.e. determine the winner too early in the season in a way which leaves out a substantial part of the rest of the nation, or major state players and interests.
5. No single state, or small number of states or single region, should have the ability to determine the outcome acting alone. All voters should have an equal initial opportunity to have an impact on the outcome and no single voter, or group of voters, should be left out (as is the case now).
6. The results should be as "representative" as possible of all parts of the nation, and all the interests and people who will vote in the general election.
7. The sequence of state events should have enough space between each event to provide for rational reflection and discourse on what those results mean for who will be president. The results of each event should provide time for the people, the candidates and the media to reflect on the results and make adjustments and seek additional information and debate about

the merits of each surviving candidate. There should be time for “buyer’s remorse” to be accommodated and there should be no “rush to judgment” which cuts off debate prematurely.

There are several plans for altering the way we make presidential nominations which have been advocated by various scholars and political leaders. A capsule summary of the major plans is offered below.

***Alternative Plans:***

1. The National Primary Plan- Under this plan all states would hold a primary on the same day to select the nominees for each party. Public opinion polls have consistently shown this plan to be very popular with the American people. It is quick and simple and gets it all over with on the same day. In addition, it fulfills America’s equal protection and “one person, one vote” ideals and aspirations since every voter in every state initially would have an equal opportunity to have a say in who the parties nominate for president. However, there are many obstacles and unanswered questions regarding the manner of its adoption (by the national parties, by federal law, or by constitutional amendment?). Critics also contend that a national primary system would only lengthen the nominations season and increase the costs. That may be although it is difficult to see how the national primary plan would make either problem any worse than it is already under the current system. In addition, it is clear that the national primary would not allow for the advantages of holding more than one election spread over several weeks or months, which is termed “sequencing” the primaries. As will be noted below there are some advantages to the sequencing process. We may be getting close to developing a national primary one state at the time as the rush to the front accelerates. Some observers are now referring to February 5, 2008 as a “de facto national primary” since some twenty-two states are holding their primaries on that date and most believe that the decision will be made for both parties by that date. So, in that sense, it is a national primary date, loosely defined.

2. The Regional Primaries Plans:

A. The Regional Presidential Primary & Caucus Act- Introduced in the 110<sup>th</sup> Congress by Senator Amy Klobuchar of Minnesota as the Chief Sponsor and Senator Lamar Alexander of Tennessee and Senator Joe Lieberman of Connecticut as the co-sponsors. There would be random selection of which region to go first, with four regions total and it would set monthly intervals between the election days. The plan is fixed for four election cycles and the order of regions rotates after the first year and through the next three election cycles. This plan would let New Hampshire and Iowa stay first in a special position before the rotation starts. Senators Klobuchar, Alexander and Lieberman believe that this regional primaries plan should be established through federal law. (See Appendix B).

B. The Klobuchar, Alexander and Lieberman plan is very similar to the “Rotating Regional Primaries Plan” advocated by the National Association of Secretaries of State (NASS). The NASS plan would also include preserving the traditional “first in the nation” position for New Hampshire and Iowa. However, NASS advocates that the national parties should adopt this plan rather than it being adopted by the Congress through federal legislation. A variation on this theme is called “The Time Zone Primaries” where the nation would be divided according to time zones rather than regions.

C. Regional Lottery Plan- This is Political Scientist Larry Sabato's Plan. It provides for four regions with random selection of which of four regions to go first, with a new selection and new regional order established every four years. The window for elections would be April through July with one region per month. The regions would have their order determined in January of the year of the election to shorten the time period and prevent a candidate "camping out" in the first region. Two small states, randomly selected, are picked to go first, two weeks ahead of the first regional primary. The plan thus eliminates the privileged position of New Hampshire and Iowa. Sabato advocates adoption of this plan by amendment to the U. S. Constitution. (See Appendix C).

3. The Delaware Plan- The Bill Brock Committee out of the Republican National Committee originated this plan in 2000. The states are divided into four groups according to population. Small states go first, then medium sized states, then larger states and the largest states, in four stages with one month intervals. George W. Bush and the Texas delegation killed this plan in the Republican National Convention of 2000 although there is new interest in it in some Republican circles for re-consideration for 2012. The RNC advocated adoption of this plan through the rules of the national parties.

4. The Graduated Random Presidential Primary System or "American Plan"- Also known as the California Plan. It is advocated by Political Scientist Thomas Gangale- The plan provides that states are grouped by the number of Congressional Districts they contain, with small states going first, next larger states going next, etc. It would require ten rounds total, with contests held every two weeks. Large states would not necessarily go last since some would be interspersed with some earlier primaries. "The goal is to allow multiple candidates to compete as long as possible with the winner determined only at the very end of the voting."(NASS Press Release, October 30, 2007).

5. The Fair and Representative Presidential Primary System of 2007- House Bill 1523 Introduced by Representative Sander Levin of Michigan and Senator Bill Nelson of Florida. The nation would be divided into six regions and sub-regions. A group of states would be randomly selected from each sub-region to represent that region in each of the six primary or caucus dates to be spread across the calendar from the second Tuesday in March through the second Tuesday in June. In short, each of the election days would have a representative sample of states included in each of the six election days. (National Association of Secretaries of State, Fact Sheet, October 30, 2007; Levin, Fact Sheet, September 6, 2007; Bain and Elkins, Newsweek, November 12, 2007, 47). (See Appendix D.)

### **Commentary on the Alternative Plans**

In my estimation, there are some benefits and some deficits attached to virtually any of the several plans offered here. It is especially important to take the uncertainty and lack of transparency out of the system for the 2012 election cycle. In other words, criteria one and two above would be satisfied by agreement upon any national set of rules and regulations. Virtually any of these plans if agreed upon beforehand and adopted by one of the methods that would ensure its survival in the courts, would be preferable to the chaotic mess which has developed in 2007-2008. The states, and some of the dominant economic interests in some of the states, acting alone, and with only their own parochial

interests and recently acquired traditions in mind, have effectively taken over the nominations process and left no room for consideration of other states or the national interest in the nomination of the candidates, one of whom will be the next president of the United States. In my assessment, overall, the regional primary plans are the most likely to be adopted and they meet a large number of the criteria which I have specified. The regional primaries are uniquely suited to realizing the objectives of criteria number three through seven I have specified above. The regional primaries plans would dramatically increase the representative nature of the primaries and caucuses and allow all sections of the nation to have a say in who the nominees will be. In my view we have a serious “equal protection” problem in place now when the voters in two or a few small and unrepresentative states have an enormous impact on the nominations and the voters in many other states have effectively no say at all. Regional primaries, and the national primary, would make all voters much more nearly equal and in theory the candidates would have to campaign seriously in many more states than they do now. The regional primaries also provide a distinctive role for each geographical region and they still preserve a significant role for the states within each region. Regions are important and different in American politics, and the regional primaries plans recognize that reality. These plans also provide a sequencing of the primaries and caucuses in a way that makes sense and is easily understood by the voters. This allows for a calm and collected consideration of the early results and for readjustment of strategy and rhetoric by the surviving candidates coming out of each region. It also allows for “buyer’s remorse” to set in so the party leaders and political elites can make a more orderly and considered judgment as to whether they want to go with the winner of the early contests. The national primary would also certainly have the advantage of being a national plan, and it is easily understood by the voters. However, it may have too many practical and political obstacles to overcome. If we did not have a run-off primary, or a second primary election, it would be impossible to guard against what is known as the “Arrow Paradox”, i.e. the winner in a multi-candidate field can actually be the last choice candidate for a majority of the voters if the winner is only supported by an intense minority. The only way to avoid that problem is to conduct a runoff primary. The national primary plan also fails to provide for the advantages of sequencing the primaries and guarding against the need for sober second thoughts among the electorate which the regional primaries provide. A national primary will undoubtedly be extremely expensive and favor the well funded candidates especially if we scheduled a runoff primary as well. However, the system we have in place now also clearly favors the well funded candidates as would any conceivable alternative which does not entail reestablishing the federal financing plan, and its attendant limits, which came unglued in 2000 and 2004 because of the actions of a few extraordinarily well financed candidates. In fact serious consideration and debate about how to re-establish the federal financing rules and caps for the nominations process is another change which should be explored.

Obviously, the “system” we have now fails virtually all of the criteria offered above. The most damning indictment of the system now is that we can’t even agree upon the rules of the game ahead of time, and that we have such chaos in the manner in which the 2007-2008 presidential nominations contests are being conducted (Pearson. 2007. “Confusion Reigns” 1). However, this chaotic situation did not just happen yesterday. We have known for a long time that the frontloading phenomenon was accelerating and that something needed to be done. Many groups and individuals have advanced various proposals for change. For example, the former U. S. Senator from Illinois, Alan Dixon, in 1991

advanced the idea of holding eight regional primaries spread across the map and across the calendar. Earlier former Senator Bob Packwood of Oregon and former Senator Walter Mondale of Minnesota each proposed a variation of the regional primary plan. So, the feeling that the frontloaded system is a real problem has been around a long time and both parties and numerous thoughtful members of Congress have struggled with finding a solution. In the meantime the problems have only intensified. Other experts have advanced other ideas. The National Association of Secretaries of State (NASS) began advocating a Regional Primaries plan in 2004. The NASS plan is much like and fundamentally compatible with the Rotating Regional Primaries Plan advanced by Senators Klobuchar, Lieberman, and Alexander. The NASS had vowed to work toward an alternative plan well in advance of the 2012 presidential election cycle. Many feel that this effort should have some urgency to it and that there is a real need to get a plan in place in time for the two national party conventions, to be held in late August of 2008 for the Democrats and in early September for the Republicans, to ratify a plan which would control the 2012 cycle.

## **Conclusion**

As a people, Americans typically do not act on fundamental change until there is a crisis. In my view, the United States should now be considered to be in crisis with the mess we've created in 2007-2008. If this were a banana republic, the U. S. State Department would look down its nose and sniff about the inadequacy of the system we have. It is time for the United States to act like a mature democracy and to admit that our nominations procedures can be improved upon and that there is a compelling national interest in doing something to address the very real shortcomings of the practices we have now which are the product of nothing larger than the parochial interests of a few states and their most active and articulate groups. There are many plans which have been advocated which are worthy of consideration and which should be a part of the national dialogue.

The Regional Primaries are probably a lot more feasible and more likely to be adopted. It is not too big a jump from where we are now. This plan represents incremental change, and that is usually the most practical way to get change in American politics. In addition, the Regional Primaries do enhance some of the values I have articulated. For example, items number one through seven would all be better served by a Regional Primary than by the current system. A regional primaries plan also leaves the states as building blocks of the final winning coalition. The time to act is now, at least in 2008 and preferably in time for the national conventions of both parties to be held in August and September of 2008. The plans adopted then could be made applicable to the 2012 cycle, and they would not clearly be adopted with the direct interests of any current candidate in mind. After the new rules have been in place for one election, they will become much more neutral and much more rational than the collection of state laws and national party rules which determines the sequence and outcomes now. Democracy is always going to be somewhat messy, but the electoral rules of the game can strive to be as rational, transparent and neutral as possible. As a nation we should act with those objectives in mind.

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## Appendix A

### 2008 Presidential Primaries and Caucus Calendar

#### January

- 3- Iowa
- 5- Wyoming (R)
- 8- New Hampshire
- 15- Michigan
- 19- Nevada, South Carolina (R)
- 26- South Carolina (D)
- 29- Florida

#### February

- 1- Maine
- 5- Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho (D), Illinois, Kansas (D), Massachusetts, Minnesota, Missouri, New Jersey, New Mexico (D), New York, North Dakota, Oklahoma, Tennessee, Utah
- 9- Louisiana, Kansas (R)
- 10- Maine (D)
- 12- D. C., Maryland, Virginia
- 19- Hawaii (D), Washington, Wisconsin

#### March

- 4- Ohio, Rhode island, Texas, Vermont
- 8- Wyoming (D)
- 11- Mississippi

- April** 22- Pennsylvania



**May**

6- Indiana, North Carolina

13- Nebraska, West Virginia

20- Kentucky, Oregon

27- Idaho (R)

**June**

2- Montana, New Mexico (R), South Dakota

**August**

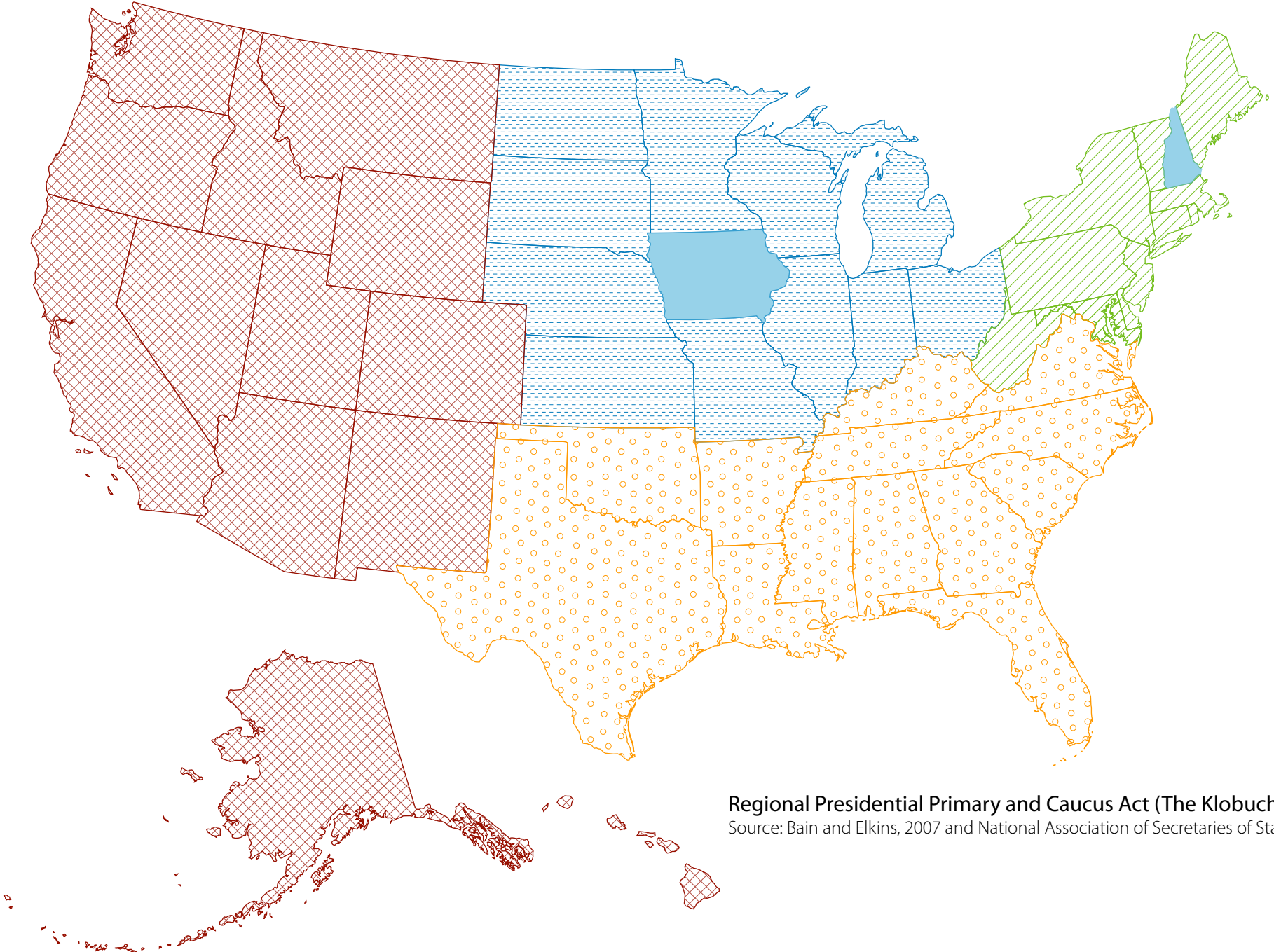
**25-28- Democratic National Convention in Denver, Colorado**

**September**

**1-4- Republican National Convention in Minneapolis-St. Paul, Minnesota**

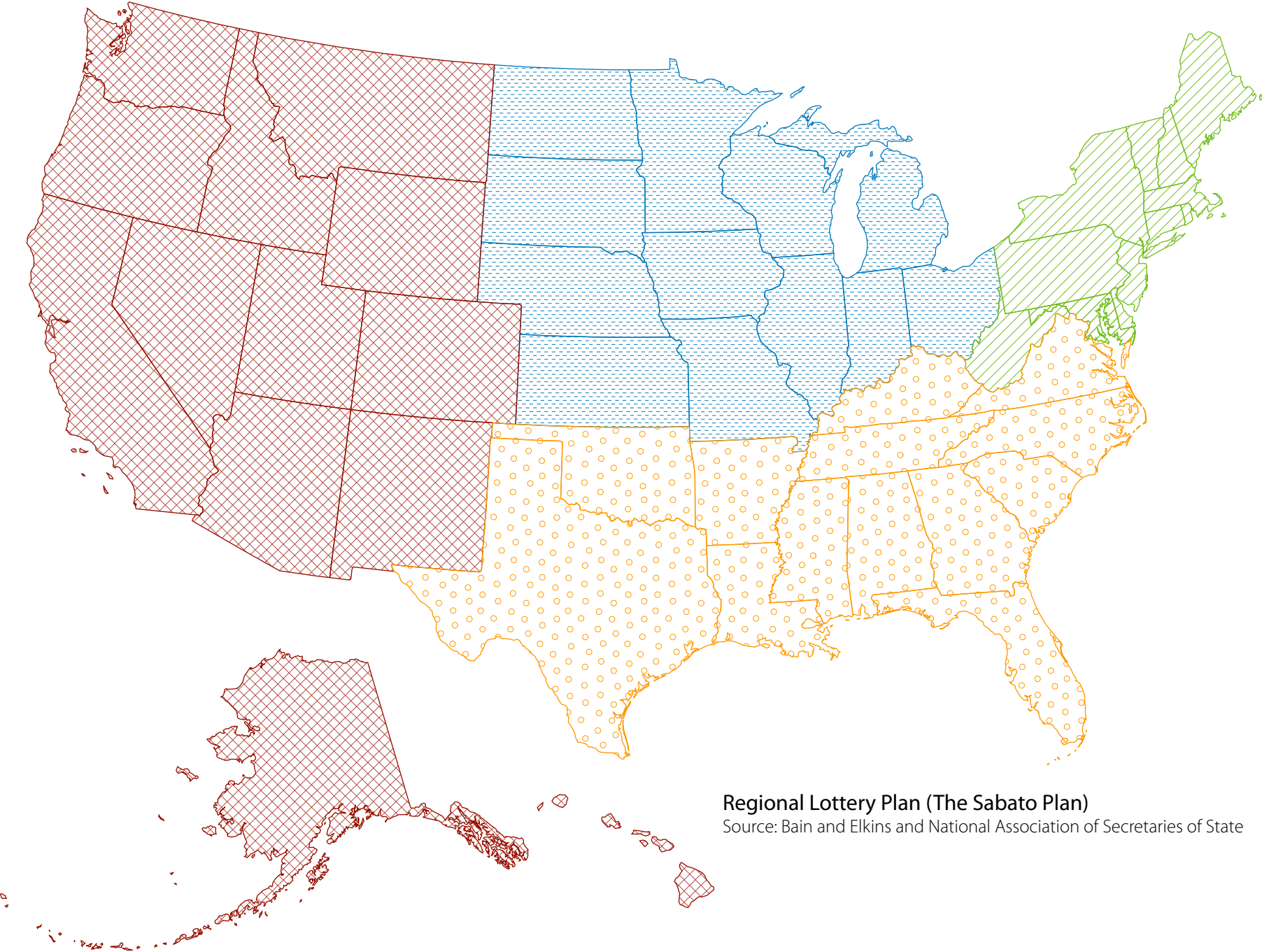
**Source: Based on National Association of Secretaries of State Calendar, November 29, 2007.**

# Appendix B



**Regional Presidential Primary and Caucus Act (The Klobuchar Plan)**  
Source: Bain and Elkins, 2007 and National Association of Secretaries of State

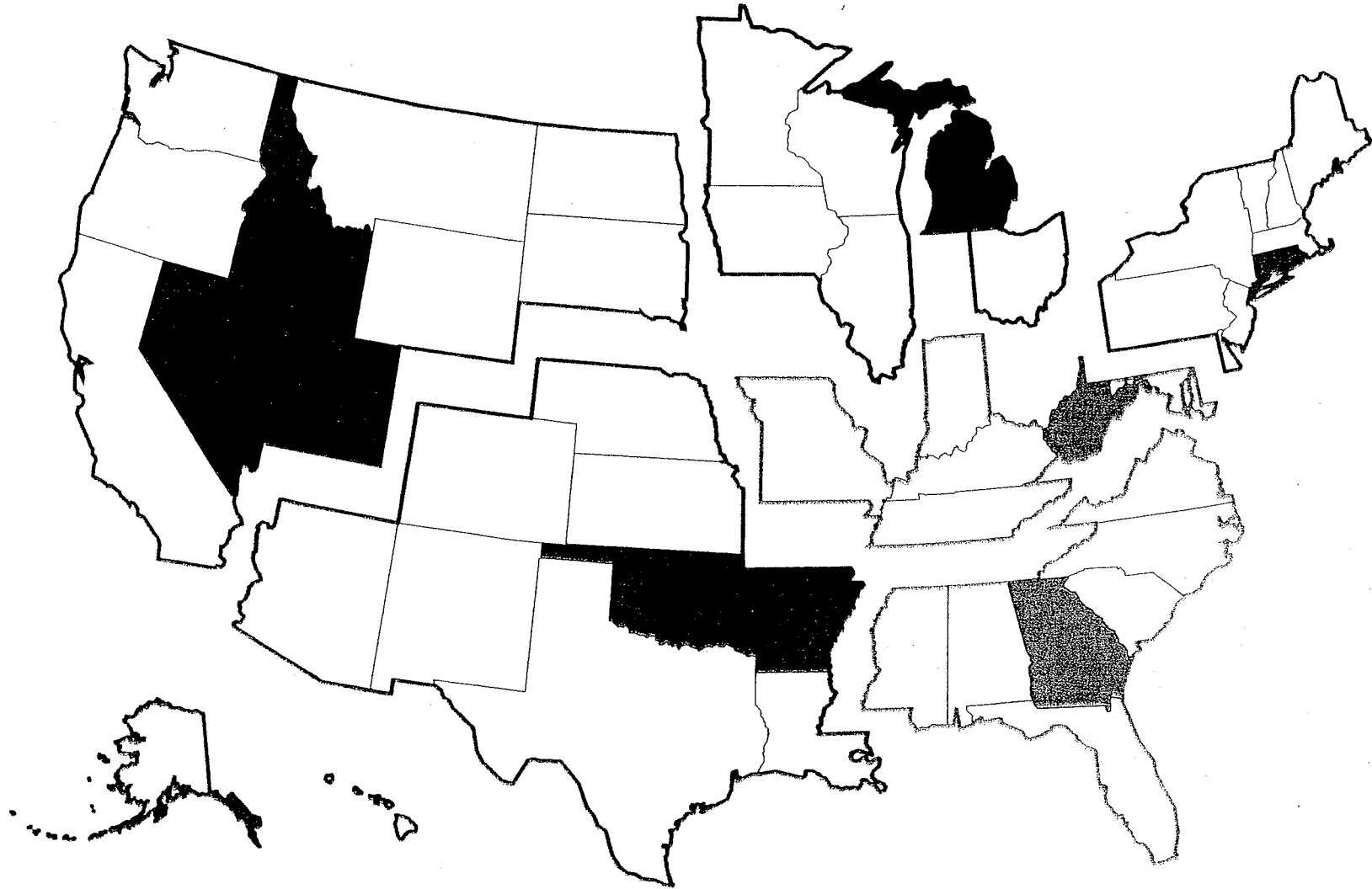
# Appendix C



**Regional Lottery Plan (The Sabato Plan)**  
Source: Bain and Elkins and National Association of Secretaries of State

# Levin/Nelson Presidential Primary Reform Bill

*Example of 1 of 6 possible primary dates*



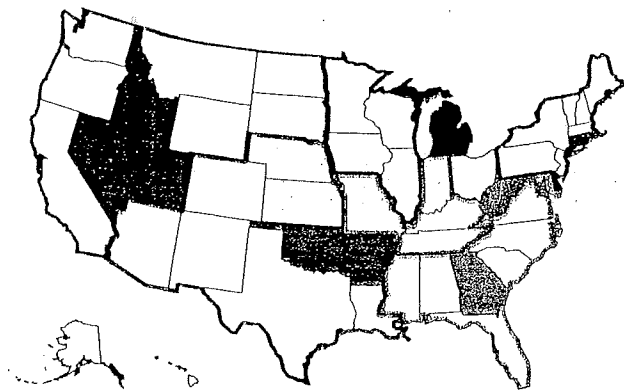
*\*\* States would be determined by lottery and rotate each cycle\*\**

# Potential Presidential Primary Schedule under Levin/ Nelson Primary Reform Bill

*\*\* Order determined by lottery and rotates each cycle \*\**

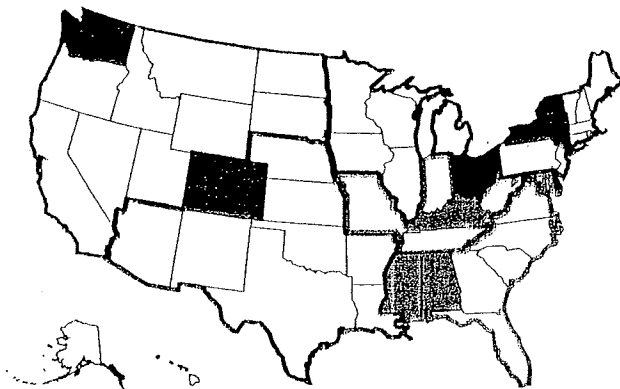
## Second Tuesday in March:

Connecticut, Rhode Island; West Virginia;  
Michigan; Arkansas, Oklahoma; Georgia;  
Idaho, Nevada, Utah.



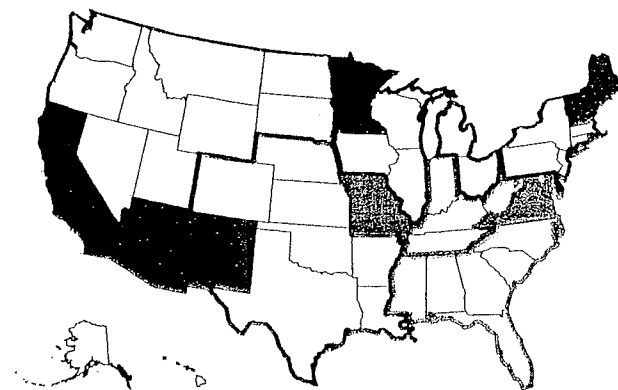
## First Tuesday in April:

New York; Kentucky; Ohio; Colorado;  
Mississippi, Alabama; Washington.



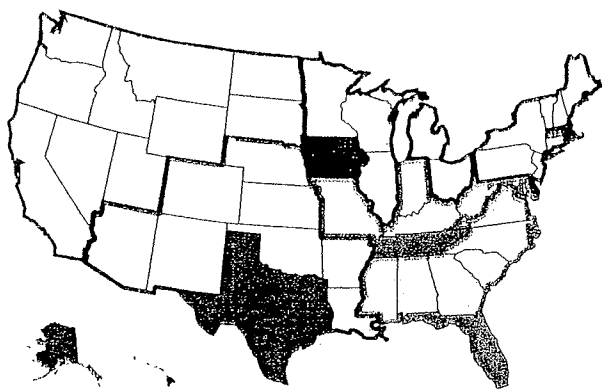
## Fourth Tuesday in April:

Maine, New Hampshire, Vermont;  
Missouri; Minnesota; Arizona, New Mexico;  
Virginia; California.



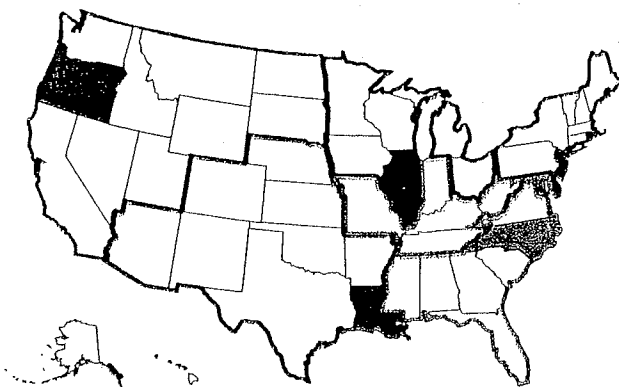
## Second Tuesday in May:

Massachusetts; Tennessee; Iowa;  
Texas; Florida; Hawaii and Alaska.



## Fourth Tuesday in May:

Delaware, New Jersey; Maryland;  
Illinois; North Carolina; Louisiana; Oregon.



## Second Tuesday in June:

Pennsylvania; Indiana; Wisconsin;  
South Carolina; Kansas, Nebraska; Montana,  
Wyoming, North Dakota, South Dakota

