6

Presidential Nominations

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The risks of political extremism are particularly great if a politically extreme figure can capture the presidency, with all its attendant actual and rhetorical powers. For the first 170 or so years of American history, this risk was mitigated by the need for party nominees to gain the support of elected party figures at all levels of government throughout the country. But with the shift in the 1970s to the system of direct primary elections for choosing party nominees, we believe the risk of more demagogic, extreme figures capturing the nomination of one or both parties—and hence the presidency—has increased. Given the US commitment to choosing nominees through direct primaries, however, we offer several potential means of working within the existing system to reduce the risk of more extremist candidates capturing a party's nomination.

We also offer suggestions for how to improve the primary debate process. Primary debates should play a significant role in informing party voters of the quality and policy positions of various candidates. Especially in large primary fields, which are increasingly common, these debates should help voters identify important distinctions among candidates within the party. We believe there are numerous ways of improving the primary debate process to enable it to play that role more effectively. The second part of this chapter provides those recommendations and the justifications for them.

The Context of the Problem

One of the most consequential and radical changes to the American electoral system of the last fifty years was the introduction in the 1970s

of the direct primary to select major-party nominees. After more than a century and a half during which elected state, national, and local party figures from around the country played a major role in choosing their parties' candidates for president, we moved almost overnight to a purely voter-controlled method in which primary elections (and a small number of caucuses) determine party nominees. The candidate who wins a majority of convention delegates through these primary elections becomes the party's nominee. Elected party figures no longer have any direct decisionmaking role in the nominations process (except, in theory, for the Democratic Party's superdelegates, who are not permitted to vote in the first round of balloting at the party's convention).

This change has had a range of consequences. It is responsible for the large fields of candidates who frequently now run in the primaries. It has prompted more figures who know they have no prospect of winning the nomination to nonetheless declare themselves candidates in order to raise their profile for other purposes. (Almost anyone with minimal support and resources can run and generate media coverage.) It has given outsize weight to the states that hold early primaries. It has made it more likely that a candidate can capture the nomination by appealing only to one strong faction within a party rather than reflecting a compromise among various factions. But most importantly for our purposes, the shift to a more direct popular method of selection has significantly increased the risk that extremist, demagogic, or inexperienced candidates can capture the nomination of one or both major political parties.

When the shift to this popular selection process was underway, leading scholars of political parties expressed exactly that worry. As Nelson Polsby and Aaron Wildavsky cautioned in 1964, eliminating any role for elected party figures in the nomination process "might lead to the appearance of extremist candidates and demagogues, who, unrestrained by allegiance to any permanent party organization, would have little to lose by stirring up mass hatreds or making absurd promises."[1] Indeed, it was precisely this worry that led Martin Van Buren to establish the party convention as a vehicle for choosing the nominee.[2] Van Buren had concluded that, without a role for elected party figures, competition for the presidency would devolve into a system of highly personalized and factional politics that generated too many candidates and more extreme, demagogic campaign appeals, as individual candidates fought to distinguish their personal brands.[3] In Van Buren's view, unified national political parties and party nominating conventions were critical for fostering broad consensus because they forced compromise among cross-cutting cleavages and reined in personality-based politics.

Another virtue of the convention system was that delegates, selected by local party actors from across the country, would bring to the nomination process a diverse range of important qualities and perspectives. Many would have governing experience, and while they would certainly strive to advocate for constituencies within the party, they would also grasp the compromises necessary for a party to function.[4] In addition, many of these figures would have direct experience working with potential nominees, offering valuable perspective on their ability to govern the country.

Elected party figures from around the nation were also likely to represent the major interests and factions within the party; the need to gain their support would make it more likely that successful candidates would reflect that range of interests and factions.

We do not wish to romanticize such convention-run parties. While this system could bring voice to issues and constituencies across the country, it also had the effect of squelching discussions on slavery and civil rights for much of the nineteenth and twentieth centuries.[5] This political system was a product of its time and reflected the preferences of the nearly exclusively white and male memberships of both parties, seeking to protect and advance their interests.

Conventions are now much more inclusive, but the electoral system has evolved into one that primary voters dominate. Since we are unlikely to go back to the old system, the question is whether there are ways to improve the nominations process by leveraging some of the advantages elected party figures can provide while still accepting the central role of voters in choosing the nominees. This chapter addresses potential reforms to do so.

In addition, a crucial step along the path to nomination is the primary debate, where voters are able to see and evaluate competing candidates at the same time addressing the same issues. We therefore also address ways to improve the primary debate process to give voters more of the information they need to make well-informed decisions among candidates. First, however, it is important to put the current nominations process in historical context in order to understand how this system emerged.

The Historical Evolution of the Nominations Process

Most Americans take for granted, and perhaps even consider natural, our current direct popular method of choosing the parties' nominees. Little memory or understanding exists of how the prior selection system worked. Yet the dramatic shift to a fully voter-driven method of selection

has profound effects on our system of government, including on the risk that more extremist forces can capture the presidency. Changing the method of choosing the parties' nominees inevitably shapes the kinds of candidates who run; the reasons candidates choose to run; the size of the primary election field; the role of prior name recognition or celebrity status; the kind of political figures most likely to succeed in capturing nominations and the White House; and, most importantly, the way government functions and the interests and political forces to which it is most likely to be responsive.

To provide context for the reforms discussed in this chapter, the next section describes how the nominations process worked up until the changes of the 1970s. We then describe those changes and the unintended consequences they produced. To offer a broader perspective on these issues, we briefly illustrate how much of an outlier our system of presidential-candidate selection is compared to other major democracies. The final section of this chapter then turns to several reform proposals that would help reduce the risk that an extremist candidate captures a party's nomination and, with it, potentially the White House.

The Historical Role of Peer Review

For most of American history until the 1970s, the nominations process included a significant role for "peer review" by existing officeholders and party officials who helped select their party's candidate for president. The first form of peer review emerged in the early nineteenth century.[6] This was the congressional caucus, which arose as the de facto means of preselecting credible presidential candidates in a world in which factional or partisan divisions had begun to emerge. In the caucus system, which lasted until 1824, members of Congress from a self-identified coalition—the Jeffersonian Republicans—would privately come to an agreement on the candidate they would endorse to the public as representing their views. The birth of this system reflected, in part, the fear that without such a filtering device, too many candidates would run, the Electoral College would be unable to select a clear winner, and the president would end up being chosen by the House of Representatives (where each state delegation has one vote).

But critics began to deride the method as "King Caucus." With such a small group in Congress carrying such decisive weight in identifying party candidates, the caucus system began to lose its legitimacy. Within a couple decades, it was replaced by the national party nomination conventions that (in vestigial form) remain with us today. Though the party

convention was not invented by Van Buren, he quickly turned it into an enduring feature of American democracy, along with the mass national political party he created and legitimized. Of particular relevance here, Van Buren had concluded that in the vacuum created by the demise of the caucus system, competition for the presidency had devolved into a system of highly personalized and factional politics that generated too many candidates and more extreme, demagogic campaign appeals, as candidates struggled to create a distinct identity.[7] Unified national political parties and party nominating conventions were thought to be vehicles for fostering broad consensus by forcing compromise among cross-cutting cleavages and reining in personalized, and hence more demagogic, politics. By 1836, as James Ceaser has written, "the idea of partisan nominations was never again seriously challenged; it became part of the living constitution."[8]

The convention system involved a larger and more representative group of selectors than the caucus system, with state and local party leaders effectively controlling the conventions and the nomination process. They had considerable capacity to influence the choice of delegates (who were selected by party caucus, district convention, state convention, executive committee, or some combination of these and similar methods). Party leaders also led their own state delegations and essentially controlled how they voted.[9] Party leaders, who included state and national officeholders, had thick ties to their parties and their commitments; they had ongoing and long-standing ties to their parties and were professional politicians.[10] Thus, the convention system continued to provide peer-review filtering of potential nominees, albeit in more attenuated form than had the congressional caucus.

With certain incremental changes, party conventions provided this form of peer review and filtering all the way until 1972. The most significant adaptation of this system came during the Progressive Era with the push for direct primaries as a means of choosing party nominees for all levels of elected office. That introduced a limited role for a few direct presidential primaries to choose convention delegates. But most remarkable in hindsight is how little effect the direct primary movement had on the presidential nomination process, given how successful that movement turned out to be for elections at virtually every other level.

The direct primary was added as an element—but just an element—to the nomination system in 1912. Thirteen states ended up choosing their delegates through the direct primary for that year's Republican convention.[11] From then on, the nomination process was best understood as what scholars have called a "mixed system": primary elections

to choose delegates from some states, alongside a continuing role for local, state, and national party figures selected in the more traditional ways. Although winning a primary could influence the selection process, most of the power to determine the nominees continued to rest with traditional party figures.[12]

As early as 1920, enthusiasm for the direct primary as part of the presidential nomination process had dissipated. Primaries became a contained feature of the system, with the dominance of the party organization resolidified.[13] After 1920, only twelve to eighteen states, depending on the year, used some form of primary to select delegates.[14] And as late as 1968, only fourteen states used primaries; they selected between 37 and 38 percent of the delegates, well less than the majority needed to control the choice of nominee.[15] Most importantly, many of these primaries were "favorite-son" contests that did not determine the presidential preference of the convention delegates. Primaries played a role in this mixed system for selecting presidential nominees, in other words, but elected party figures remained the dominant force.

The convention system had its flaws, to be sure. Accusations of insider dealing in secretive "smoke-filled" rooms dogged the practice. More damningly, this system tended to reinforce, rather than undermine, many of the exclusionary biases of the day. Politicians not wishing to address slavery or civil rights or to see those issues split their delicate party coalitions would work to exclude certain figures from the process. This was not purely a feature of early American history, either: Civil rights protesters targeted the 1964 Democratic convention precisely for refusing to seat Black southern delegates, and Shirley Chisholm's 1972 campaign ran into many of the same barriers. Peer review could serve as both a protector of the republic and a way to reinforce its hierarchies.

Even with these exclusionary tendencies, however, the twentieth-century mixed system functioned in more complex ways than is generally appreciated. Popular primaries and party figures turned out to check and balance each other's influence. Party figures continued to have incentives to put their weight behind candidates likely to hold the party's factions together, run a competitive election, govern effectively, and reflect the party's general ideology. But primaries also kept the system from being too closed: "outsiders" could challenge the existing party hierarchy and orthodoxy and force the party to remain responsive, at least up to a point. The system mixed elements of direct popular choice and peer review.

Primaries also enabled less tested candidates to show skeptical party leaders that they could win votes—as when John Kennedy won

the 1960 West Virginia primary and proved that a Catholic could succeed in heavily Protestant areas.[16] Even an insurgent candidate like Barry Goldwater in 1964 could successfully work the mixed system.[17] But no candidate could succeed without also convincing enough institutional party figures throughout the country to support them. In 1960, for example, just sixteen states held Democratic primaries, and while Kennedy won ten of those, he still required the support of party regulars to gain the nomination. Primaries mattered, but so did the ability to build coalitions within the party.

Under this system, some candidates chose to "run" on the inside track and make their appeal primarily or even exclusively to the party figures who controlled convention delegates. Others took advantage of the outside track to demonstrate their popular appeal. The net effect of this mixed system was to keep the political parties (meaning party leaders from the national, state, and local levels) in control. As the most thorough recent study concludes about the convention process in the decades before it collapsed, in no nomination contest "was a party forced by strong candidates with large popular followings to choose a nominee it didn't want."[18]And as this study goes on to explain, "with the exception of the Republicans in 1964 and the Democrats in 1968, parties consistently attempted to find candidates who were broadly acceptable to party groups and able to compete well in the general election."[19]

Thus, for the first 170 or so years of American history, the selection of nominees for the presidency typically involved a high degree of control and peer review from national, state, and local party leaders from throughout the country. Party leaders retained the most significant power over presidential nominations, even as the precise form of peer review evolved, from selection by a small caucus in Congress to nominating conventions that eventually created a partial role for direct popular input.

The Inadvertent Creation of Today's Direct Presidential Primaries

The convention system unraveled in the aftermath of the 1968 Democratic convention in Chicago. Almost overnight, it was replaced by today's system of choosing party nominees exclusively through popular vote in primaries and caucuses. In many ways, this change was unintended; indeed, it transpired despite some of its architects intending to forestall exactly the changes their recommendations brought about. But within a decade, the United States had abandoned a 170-year-old peer-review selection system and replaced it with a purely voter-driven one.

The catalyst for this change was the explosive 1968 Democratic convention in the midst of the Vietnam War. Torn asunder by conflicts over the war, the convention ended up nominating the establishment candidate, Vice President Hubert Humphrey. Humphrey had entered the race too late to make it onto the ballot for any of the primaries but was nominated nonetheless through a vote by elected party figures.

To appease critics of his nomination, Humphrey agreed to a reform commission, known as the "McGovern-Fraser Commission," to advise on how to improve the nomination process for the 1972 convention. Its recommendations quickly led to the current system of primary elections and voter caucuses choosing the great majority of delegates. As Byron Shafer, the leading scholar of this transformation, put it, the reforms constituted "a revolutionary change in the mechanics of presidential selection, the greatest systematically planned and centrally imposed shift in the institutions of delegate selection in all of American history."[20] As a result, he added, "the official party has been *erased* from what was still nominally the party's nomination process."[21]

Strikingly, this dramatic shift to a "plebiscitary," primary-dominated selection process was not the aim of many reformers, including those on the McGovern-Fraser Commission.[22] The commission had intended to save the convention system by preserving a critical role for the party. It did not seek to create a primary-dominated selection system that essentially shut institutional party figures out of the process. But the changes that flowed from the commission's report ironically had the exact opposite of their intended effect.

Austin Ranney, a member of the commission who had spent much of his career as a political scientist trying to strengthen parties rather than hollow them out, described how the body's recommendations led inadvertently to the modern direct popular selection process:

> I well remember that the first thing [the commission] agreed on . . . was that we did not want . . . any great increase in the number of state primaries. Indeed, we hoped to prevent any such development by reforming the delegate-selection rules so that the party's non-primary process would be open and fair, participation in them would greatly increase, and consequently the demand for more primaries would fade away. . . . But we got a rude shock. . . . We accomplished the opposite of what we intended.[23]

The reforms had largely sought to preserve the legitimacy of the party by making the caucus system more accessible, transparent, and open. Up until then, it had been governed by baroque rules designed to

enable only party insiders to participate. But for a variety of reasons, the state parties—first on the Democratic side and then on the Republican one—responded by rapidly expanding the role of primaries, which had the effect of putting the nomination in the hands of primary voters once a majority of delegates were selected that way.

In the first two elections after these changes were made, the Democrats nominated candidates, Jimmy Carter and George McGovern, who almost certainly would not have been selected under the convention system. For a few decades after that, the political parties found ways to work within the new selection process to nominate figures that party leaders and the establishment most preferred. But since 2004, a series of candidates have captured the nomination who would have been unlikely to do so under the convention system: John McCain, Barack Obama, and Donald Trump. McCain broke with party orthodoxy on some issues, and Obama lacked experience and clout within the party, but both garnered endorsements from elected officials well before their respective national conventions. Trump, by contrast, combined inexperience in government with inconsistency with traditional party priorities and won very little elite support until much later in the election season. The shift in types of successful candidates reflects the implications of the modern nomination system.

Other aspects of today's nomination process reflect the 1970s reforms. The extremely large field of candidates now regularly running, at least when there is no obvious frontrunner, is a product of these changes. Such an expansive field has occasionally forced primary debate platforms to be divided into a "main" debate stage, which can still have as many as ten figures on it, and a "junior varsity" debate stage. Candidates regularly enter the presidential primaries for purposes other than genuinely seeking their party's nomination; while these candidates know they have no realistic chance of winning, they run to raise their name recognition in pursuit of other aims—to score a potential cable television or book deal, for instance, or to emphasize idiosyncratic issues. Primary electorates may place less weight on prior government service than party elders in the convention system, and primary electorates are more likely to prefer "outsider" candidates. Most importantly for present purposes, the switch to a direct primary selection process has increased the risk that extremist or demagogic candidates will capture the nomination and the White House.

A Brief Comparative Perspective

The United States is an outlier among major democracies in employing such a voter-centered method for choosing nominees who then compete

to become chief executive of the country. (In parliamentary systems, the selection process is for a party leader, who then becomes prime minister if his or her party wins a majority of seats in the parliament.) A brief comparative perspective is helpful to put the US system in context.

Several well-established democracies continue to rely exclusively on a peer-review system in which party members in parliament choose the party leader without any popular input (much like the congressional caucus system that once existed in the United States). Other major democracies employ a mixed system in which elements of peer review are combined with a vote by party members. However, these parties have many fewer members than US parties do, because the hurdles to becoming a party member are more significant than in the United States, where voters become party members simply by checking a box when they register to vote or arrive at the polls. In these countries, party membership often requires paying annual dues. Only a small minority of democracies have moved to mostly plebiscitary selection methods, but even in these countries, the percentage of ordinary voters who participate is far lower than in the United States. To be sure, some of these are parliamentary systems, but nothing intrinsic to the presidential system requires direct popular selection of nominees, as the pre-1970s experience in the United States illustrates.

The Australian Liberal Party and the New Zealand National Party both use exclusively peer-review methods. The leaders of these two center-right parties continue to be elected solely by their parliamentary peers and colleagues.[24] In Germany, party leaders are required by law to be elected by delegates to the party's national conference every two years. Typically, the major figures in the parties reach a consensus beforehand and present a united front at the conference in a "coronation" of the uncontested leader.

The United Kingdom offers a good example of a mixed system. In the Conservative Party, the parliamentary party plays an initial gatekeeping role. It uses successive ballots to winnow the field of candidates down to two that are voted on by the full party membership, which currently consists of around 150,000 individuals.[25] A candidate for Labour Party leader, meanwhile, must be a member of Parliament and must first receive support from 20 percent of Labour members of Parliament (and there are further requirements of internal party support). Candidates who gain that level of peer support are then voted on by Labour Party members.

Canada uses a selection process that does not include peer review but is still not comparable to the purely plebiscitary US system. Candidates for party leadership must pay an entrance fee and, in some parties, collect

the signatures of a specified number of party members. In the case of the Conservatives and the New Democratic Party, voting for party leaders is limited to party members, who number in the realm of 150,000 in a total eligible electorate of around 25 million.

Outside the United States, the first purely popular, open-primary selection process in an established democracy did not occur until 2005—in Italy.[26] Several Italian parties now use open primaries with large electorates to choose their leaders. In France, as well, several parties currently use open primaries comparable to those in the United States.

But even in these countries that use open primaries, parties wield greater control over leadership candidates than US parties do, thanks to additional features in the structure of European elections. For example, most public and private funding for primary (and general) elections in Europe is channeled through party organizations, inevitably enhancing party control of the process. In the United States, by contrast, a great deal of campaign funds are raised by candidates and controlled by them. In addition, in most countries, there is a fairly well-understood track, in terms of qualifications and experience, toward becoming the party's candidate for chief executive. This may include educational background, work in and for the party in various junior and then more senior capacities, and time spent as an elected representative or official. But since the shift to primaries in the 1970s, there is no similar track or set of qualifications and experiences broadly viewed as necessary to compete for party nominations in the United States.

For most of American history, peer review played an important role in determining which candidates would carry the major parties' banners into the general election. The mixed system of the modern convention era combined elements of popular input, through a select number of primaries, with a continuing role for elected party figures from around the country. The dramatic shift in the 1970s to a more voter-centered selection system that we now take for granted has increased the risk that more extremist and demagogic candidates can prevail in the nomination contests and in the presidential election.

Below, we offer thoughts for how a degree of peer review, or input from elected officials, might be built back into our nominations process without compromising the popular participation that is now the norm.

Contested Conventions

Perhaps the most straightforward way to reintroduce elected officials into the process would be for conventions to reclaim their role as places for

deliberation and decisionmaking. A few small changes could bring back "contested" conventions: More proportional delegate-selection rules and a shorter calendar would send a more representative group of delegates to the convention. Those delegates, in turn, could be further empowered and prepared to deliberate. Such deliberation would reflect the views of the party's primary electorate, in much the same way that Congress represents the views of the national electorate, but the delegates could negotiate compromises, balance competing party constituencies, and perform the function of peer review.

As noted above, the McGovern-Fraser reforms were intended not to remove delegates from the selection process, only to make their role more transparent and democratic. The reformers' objection to Humphrey's nomination was not that he was selected at a convention but that he was selected by delegates who did not reflect the view of rank-and-file Democrats.[27] Reformers envisioned a convention in which underrepresented elements of the party's coalition (including the antiwar supporters of Humphrey's main rivals for the nomination) would have a voice in the selection of the eventual nominee. But conventions today have become only ceremonial, formally ratifying the results of primary elections.

Enabling conventions to again become decisionmakers when there is not a strong consensus choice within the parties would not require changing the basic structure of the nomination process. A few relatively simple changes could return delegates to their decisionmaking role. First, the parties could adjust their delegate-allocation rules and the primary calendar to eliminate the tendency for a single candidate, even one with only a plurality of support, to amass a majority of votes before the convention. Parties could improve the proportionality of their allocation rules and shorten the primary calendar to make it easier for candidates to stay in the contest until the end, thereby ensuring that convention delegates more accurately reflect the preferences of the voters across the entire country. In addition, parties could ensure that delegates selected to attend the convention are prepared and enabled to play a more active role in the nomination process. Candidates could do this by giving more attention to the kind of delegates selected when they win.

Proportional representation in the selection of delegates would make the convention more representative of the party's supporters. If a majority of delegates support the same candidate on the first ballot, there is currently no opportunity for further deliberation. If this majority reflects similar majority support among the primary electorate, then the favored candidate has a reasonable claim to be the nominee. More often, however, the process exaggerates the eventual winner's support in two ways.

First, on the Republican side, delegate-selection rules often give a bonus to first-place candidates. Some Republican primaries are winner-take-all, giving no delegates to second- or third-place finishers. Even in states with more proportional allocation formulas, this proportionality is imperfect. For instance, it is well known that smaller district magnitudes (the number of delegates available in the constituency) and high thresholds (the vote share needed to win any delegates) can undermine proportionality.[28]

States typically allocate delegates by congressional district, meaning that the number of delegates to be divided is relatively small. This requires candidates to win a high share of the vote to earn any delegates. In some states, parties raise the bar even further with a formal threshold of support, often 15 percent, to win delegates. In today's fairly large primary fields, many candidates with substantial national support might fail to win enough of the vote in state primaries to garner any delegates at all.

This advantage to the top few candidates then feeds into the second way that majorities are exaggerated, which is the winnowing of candidates over time. Running for the nomination is expensive and laborious. Candidates who do not perform well in early states often drop out. Their supporters either switch their support to candidates who remain in the race or else don't vote in the primary at all.[29] By the time the contest reaches the final states to hold primaries, often there is only one serious candidate still competing. That candidate picks up a lot of votes, but only after having effectively already won the nomination, exaggerating their support.[30] We never learn the true preferences of primary voters in those states. Because of this phenomenon, political scientist Caitlin Jewett has shown, a majority of voters never have the opportunity for what she calls "meaningful participation" in the nomination process.[31]

Because parties believe they need the process to end with one clear winner, the current rules are often designed to encourage the winnowing process. But the opposite could be done. Parties could try to make the conditions for a contested convention more likely. They could use more proportional delegate-allocation rules—eliminating winner-take-all or other top-finisher bonuses, lowering thresholds, and moving to statewide allocation of delegates. The parties could also arrange a shorter primary calendar, making it easier for candidates to survive until the end.

Currently, a contested convention—one in which the delegates deliberate and make a decision later than the first ballot—is a technical possibility. It is so unlikely, however, that many of the delegates might not be prepared to play that role. Parties should improve their selection rules to better prepare delegates to deliberate.

Delegate selection varies by state, and some states might need few formal changes to their rules to enable the best delegates to be selected. The key is that candidates for the nomination should invest more in their delegate selection. They should choose people with negotiating skills and a willingness to form coalitions with the delegates representing other candidates.

To make this proposal work, the way delegates are allocated would also have to change. Currently, both parties largely allocate delegates by district. On the Republican side, all districts award three delegates. On the Democratic side, the number per district ranges from three to nine. In large multicandidate fields, the current structure would not be capable of awarding delegates proportionately to a large number of candidates.

One solution to this problem would be for both parties to shift to awarding delegates on a statewide basis. Another possibility, if the current system of district-based allocation remained in place, would be to award delegates on a fractional basis or to expand significantly the number of delegates awarded per district.

However, it might not be adequate to leave the campaigns fully in charge of putting forward slates of delegates if brokered conventions become more of a possibility. Campaigns have incentives to nominate delegates who will be loyal to them. Thus, it might make sense to have at least one delegate from each state party be the highest-ranking elected official in that state from that party—the governor, for instance, or party leader in the state senate. Elected officials with strong statewide support would have the greatest legitimacy in brokering the outcome of a contested convention.

Such a convention would be comparable to a multiparty parliament charged with forming a government. Delegates pledged to different candidates can be thought of as analogous to parties, with the candidates as their effective leaders. Just as parties do when forming a coalition, the delegates would negotiate—over platform language, policy priorities, even the vice presidential slot. The presidential nominee would also be subject to that kind of negotiation.

If contested conventions become more likely, then politicians will adapt their strategies and choose delegations that are prepared to negotiate. Currently, delegates are not selected for their capacity to negotiate over such critical matters as the party's nominees; nor do they necessarily have the stature to play that role effectively. Delegates should be chosen not merely for their loyalty to their candidate but for their fidelity to the principles and priorities that their candidate campaigned on. Their voters favored a candidate who articulated a particular vision of the party

and the presidency, so they should represent that vision. At the same time, the delegates should be prepared to negotiate and compromise with their fellow delegates to best achieve that vision, just as members of Congress negotiate and compromise with their fellow legislators.

Even if contested conventions were more likely, most cycles might still end with a clear winner, as was common even before the McGovern-Fraser reforms.[32] As the authors of *The Party Decides: Presidential Nominations Before and After Reform* argue, political leaders often throw their support behind a particular candidate, helping that candidate win.[33] But such informal support is a crude and imprecise tool, usually most effective when there is broad consensus within the party. When there is not, a contested convention could occur.

The most significant hurdle would be convincing the public that such an approach is legitimate. Since the 1980s, there has been little doubt about the identity of the eventual nominee, and so conventions have evolved into pageants. The idea that the nominee might not be chosen on the first ballot is treated as an unusual and even undemocratic technicality.

Parties and news media should do more to explain the history of conventions as decisionmaking institutions, as well as the benefits and costs of selecting nominees in this manner. Representative democracy is today's model of democracy in the United States and throughout the world. The current nomination system uses an unrepresentative aggregation of votes, dominated by those voting in the early primary states. A contested convention could be more representative and more democratic than our current system for selecting party nominees.

Acceptance of Superdelegates

The so-called superdelegates that the Democratic Party has used in every convention since 1984 (whose potential role has been a source of criticism since 2008, including from within the party) can provide an element of peer review in the nomination process. As it stands now in the Democratic Party, every member of Congress, governor, and national committeeperson is automatically a delegate to the nominating convention. In 2018, under pressure from the left wing of the Democratic Party, the rule was changed to allow the automatic delegates a vote only on the second ballot, if there was one. The rule was a compromise that kept the party leaders at the convention but kept them from using their numbers to overturn the will of primary voters—unless the will of these voters was unclear enough to mean there was no first-ballot winner.

But the core of the argument for automatic delegates is the element of peer review.[34] Presumably, members of Congress and party leaders, many of whom have worked with past presidents, would be sensitive to whether or not the presidential aspirant had the gravitas and the talent in areas like negotiation to actually do the job. No Republican member of Congress, for instance, would have taken seriously Trump's campaign pledge to make Mexico pay for his border wall. Likewise, no Democratic member of Congress would seriously believe that Marianne Williamson should be the leader of their party with a veto over legislation.

But in the modern nominating system, the most experienced members of the political class have been cut out of the nomination process by two new rules. The first is the requirement that delegates be pledged to a presidential candidate or uncommitted—and uncommitted never wins a delegate in state primaries. (Many members simply don't want to endorse in an intraparty contest.) The second is the adoption of open caucuses for the selection of delegates, which means that elected officials have to run against their constituents for delegate spots—so they stay home instead.

On the Republican side, members of the Republican National Committee (RNC), including the critically important state chairs and vice chairs, are automatic delegates and so don't have to run against their constituents. Still, they are bound to the candidate who wins their state.

Very few superdelegates in the current era see their role as upending the judgment of voters in primaries. Rather, they see it as preventing clearly unacceptable candidates from winning the nomination. Because the nomination race takes place over a period of more than six months—usually beginning with the Iowa caucuses in January and ending with the conventions in the summer—candidates who look good at the outset may turn out to have substantial problems by the end of the process. Imagine, for example, if North Carolina senator John Edwards had done well in the winter of 2008 and gone on to amass enough delegates to be the presumptive nominee that summer. News of his extramarital affair while his wife was dying of cancer and that his mistress was pregnant could have severely damaged his candidacy in this instance, potentially prompting the party's elected leaders to take up the task of finding a replacement and nominating him or her at the convention.[35]

Superdelegates might or might not have kept Republicans from nominating Trump in 2016. The base of the Republican Party was clearly very angry and rejected more traditional candidates in primary after primary.[36] But more formal engagement of party figures in the nomination process might have resulted in more support for the "Stop

Trump" movement. He went into the convention with 306 delegates more than he needed for the nomination—hardly an enormous margin.[37] And at the time of the convention, there were doubts about his electability. More than one Republican in Cleveland, the site of the convention, said they expected Hillary Clinton to win and saw Trump as "our McGovern"—a reference to Senator George McGovern, who won the Democratic nomination in 1972 against the judgment of party leaders and went down to a resounding defeat in November.[38] Republican senators, representatives, and governors might have resisted a Trump nomination, but they were not even in attendance.

Preprimary Endorsement

Another option for injecting an element of peer review into the current nomination process would be for each party to mandate a preprimary endorsement of one or more candidates.[39] In Massachusetts since the 1980s, Democrats have held an annual party convention, which, in election years, endorses candidates for statewide office. A candidate who does not receive at least 15 percent of the convention votes on the first ballot is not eligible for placement on the primary ballot. The candidate who wins the majority of votes is the endorsed candidate of the Democratic Party and has the first position on the primary ballot.[40] This process guarantees that candidates are at least minimally acceptable to the local party leadership, and newcomers are regularly kept off the ballot.[41] The Massachusetts state courts concluded that the state's primary laws would violate the party's constitutional rights unless this preprimary nomination convention were permitted; in a 6–3 vote, the Supreme Court dismissed the state's appeal for lack of jurisdiction.[42]

A national endorsing convention would give party officials and activists a significant role in determining who could run for president under the party's banner, since potential candidates would have to cross a threshold of support to be eligible for the ballot. As effective as this method is for establishing some peer review in Massachusetts, however, it would be extremely difficult to pull off on a national level. It would push the presidential race to start even earlier than it does now, since delegates would have to be elected in the year *before* the primaries were held.

Preprimary Vote of Confidence

A more feasible option, at least logistically, might be to have members of Congress and the parties' national committees give up their convention

votes in exchange for a January session or sessions with the presidential candidates that would allow them to drill the candidates (in private) and then issue a vote of confidence or no confidence. Members could be allowed to vote for more than one candidate and their role would simply be to let primary voters know what people in government think of the capabilities of these candidates prior to the beginning of the nomination contests. As a further possibility for giving these endorsements more effect, candidates not receiving a minimum share of votes—say 15 percent—in these forums could be barred from at least the early televised primary debates, which have become such an important part of the primary process. But they could still get on ballots and try to compete in the nominating contests.

The political "elites" would not make any final decisions—the voters would still do that—but they would give voters answers to two important questions. First, are the candidates knowledgeable and experienced enough to have the judgment to do the job of president? Second, are they in line with the general philosophy of the Democratic or Republican Party?

A version of this process is already in place in California. There, the major parties adapted to the switch to a nonpartisan "top-two" election system by issuing preprimary endorsements to signal their preferred candidates to voters. This has been shown to have a real effect on voters, with endorsed candidates receiving a roughly ten-point advantage over nonendorsed candidates.[43] Partisan voters hear their party's signal and will respond to it.

While pizza executives with no government experience, reality television stars, and spiritual advisors may fulfill the ballot requirements to run in the primaries, the party electorate could at least be formally forewarned, and some people might vote accordingly. By forcing would-be presidents to appear before the people they would need to work with if elected, a preprimary vote of confidence could add some element of peer review to the process.

National Party Administration of Presidential Primary Debates

Historically, primary debates were organized and negotiated directly between media organizations and candidates' campaigns. Over time, however, the growing proliferation of unregulated debates proved unsustainable for candidates and their campaigns. The national parties

recognized that they needed to regulate the primary debate process and, beginning with the 2016 presidential election cycle, have increasingly stood in to negotiate with media sponsors on behalf of their candidates.[44] Yet outsourcing to the media such key debate components as who will moderate, which candidates will participate (usually based on the media's small-sample polls), and the debate format has led to frustrations for candidates and voters alike. In addition, as media audiences have segmented and declined, the slice of the electorate reached by such debates has been limited to the media sponsor's audience.

At the same time, Democrats and Republicans have also had to devise approaches for managing large fields of candidates. Neither of these problems—excessive demand for debates and large fields of candidates—is likely to disappear.

In light of these developments, the national parties should directly host the primary debates. In other words, they should take full control of organizing, producing, and disseminating them. In so doing, the parties can act in the best interests of their candidates and voters to build a primary debate process that addresses concerns about timing, sequence, content, locations, and fair moderation, rather than relying on media and other organizations that often have different incentives than those of the candidates and parties in hosting these events.

What's Wrong with the Current System?

Under the current system, parties outsource to the media all facets of debates, from topics discussed, to polling that determines which candidates are allowed to participate, to the selection of moderators. Yet the primary incentive of media outlets is commercial, not improving the quality of the candidates or advancing their party.

A constant concern for primary campaigns and their parties has been the role of debate moderators. As part of the traditional bargain, the sponsoring media outlet gets to have its talent moderate the primary debate. The incentive for media is to create "buzz," which has often resulted in "gotcha questions" on subjects of little relevance to the parties' primary voters.[45] On occasion, moderators effectively serve as opposition researchers for the opposing party.[46]

Furthermore, the audience for primary debates is typically restricted to the sponsoring media entity's audience (and perhaps that of a partner or two), thereby limiting its reach. The current model of relying on one principal media outlet to run each debate thus misses an important

opportunity for the political parties to help their candidates reach more people.

Primary debates are vitally important forums. In terms of informing voters and shaping their impressions, they matter much more than general election debates. Primary debates increase issue knowledge, influence perceptions of candidates' character, and can affect voter preferences.[47] Since parties remain neutral in open-seat presidential primaries, voters do not have the most important heuristic for determining their vote choice. So primary debates are an opportunity for voters to compare candidates, see what issues and stances they emphasize, and gauge whom they're comfortable with. A process this vital for parties, candidates, voters, and the political system as a whole should be handled directly by the parties, the entities with the strongest motivation to ensure that the process serves their candidates and voters.

An enhanced party role in the debates could help reverse the parties' loss of leverage in their historic role as candidate gatekeepers. With the current campaign finance system and online environment allowing for easy political organization, parties are weak, if not powerless, when it comes to deciding who becomes a presidential candidate. Unless and until they become strong enough to play a bigger role in this process, they should assume greater responsibility for managing primary debates.

Why Would Parties Do a Better Job?

Although national party organizations have seen their influence decline in the last twenty years, they maintain relevance through their role as rule setters for their presidential nominations processes. While no longer a force in shaping which and how many candidates can enter the field, the parties have assumed an increasingly central role, through their management of presidential primary debates. This is a positive development in that the parties should have stronger incentives than other actors to ensure that the nominating process serves the interests of their party's candidates, voters, and aligned constituencies.

The national parties are, at least in theory, the only organizations incentivized to ensure a debate process that is fair to their candidates and focused on the issues and concerns that their party's voters and aligned interests care about most. By contrast, media organizations, the current sponsors of the primary debates, naturally care primarily about their share in a fiercely competitive market for viewers and

advertisers and are often perceived by party loyalists as having their own partisan agendas.[48]

Unlike for-profit media organizations, parties stand in a good position to ensure that the debates focus on issues relevant to primary voters and to what presidents actually do, rather than on hot-button issues designed to elicit controversy. It is problematic when primary debates focus on matters that are peripheral to the president's job description. Education, for example, is primarily a state and local responsibility, in which the federal government has only a relatively limited role. Meanwhile, foreign policy takes up a large share of a president's work every day.

To better inform voters, the issue agenda of primary debates should steer toward what presidents actually do and issues of concern to the party's primary voters. Party-organized primary debates can be conducted with more seriousness of purpose than debates held with an eye toward audience ratings, which may feature silly questions.[49]

There are clear precedents for the parties assuming a more central role in primary debates. Parties have been moving in that direction over the past decade. The Republican National Committee moved to assert greater control over primary debates after 2012, as part of its postelection "autopsy." The RNC's review found that the primary process before 2012 did not well serve the party's candidates or their campaigns because it featured too many debates, which hinged more on gaffes, one-liners, and "gotcha moments" than on discussion of issues.[50] Moreover, those debates, as well as forums sponsored by Republican-affiliated interest groups, were often announced on such short notice that preexisting campaign plans and strategies had to be interrupted.

Embracing an even stronger and more innovative role in managing primary debates would be one way for the parties to reverse their declining influence in the political process without becoming mired in populist controversies such as the one over superdelegates.

As a general matter, having the parties themselves in sole charge of the debates would enhance both the content of the debates and the strength of the parties. The debates would be run by organizations whose mission is the success of their candidates rather than by entities with different, sometimes contrary interests. Specifically, the parties' producing and disseminating the debates would mean the following:

- The potential for a vastly increased audience
- Moderators with an incentive to ask questions relevant to the party's voters rather than "gotcha" questions to enhance media moderators' ratings and reputations

- The ability to employ formats more conducive to meaningful and fair debate and to select locations that mirror the party's political priorities
- More control of the criteria used to determine which candidates can participate, rather than outsourcing such decisions to small-sample media organization polls
- Fund-raising opportunities to solicit contributions for putting on the debates

What Can the Parties Do?

Today's parties obviously need to be prepared for large fields of candidates, since there is every reason to expect large fields to remain the norm for presidential nomination contests not featuring an incumbent seeking renomination. Parties should embrace this reality and exercise a gatekeeping function through the use of debates to ensure a suitable but not overly inclusive process. By taking full control of administering the debates, the parties can enhance their own role, help their candidates reach more people, and provide better information to primary voters.

1. *Audience size:* Producing the primary debates would allow parties to take advantage of today's media technology, making the debates freely available on many more pathways than a lone major cable or broadcast network. Parties could stream the debates online directly and make the feed available at no cost to all interested national and local media organizations, issue organizations, and the public through a flat, universal, and open feed developed according to predefined, public technical standards. Giving access to all kinds of content providers in today's fragmented media landscape would allow the parties to reach much wider audiences than the current model of partnering with only one primary broadcast network or cable outlet.

2. *Moderators:* By organizing the debates themselves, parties would be empowered to select moderators who do not depend on ratings for their livelihoods. They could choose from a wider array of suitable moderators, including party leaders, retired judges or public officials, academics, or other subject matter experts, who could ask questions curated from supporters and reporters. Compared to networks' star journalists, such moderators would be likely to play a less domineering role in the debates, instead allowing for more direct exchanges between the candidates about subjects relevant to primary voters. Rather than taking responsibility for follow-ups, a moderator might ask an initial ques-

tion and then keep time while relying on other candidates to raise the issues of greatest relevance or highlight contrasts among the presidential aspirants. Parties are also better positioned to insist on impartiality when conducting debates, reducing the likelihood that candidates will be asked questions deliberately designed to embarrass (often referred to as "when did you stop beating your wife?" questions).

In addition, the parties will be able to demand that moderators reflect the concerns and priorities of the party's electorate as they pose questions. It is entirely appropriate to expect that moderators remember that they are conducting a debate for a party nomination, not a general election. Parties do not need to apologize for the fact that their voters have priorities and concerns that differ from those of the national media and the electorate at large, and it is appropriate for them to choose moderators accordingly.

3. *Selecting debate participants:* In addition to providing a stronger gatekeeping function in the debates, the parties should reassess their criteria for determining who gets on the debate stage. For instance, the Republican Party's two main criteria for joining the 2024 debates—media polls and number of donors—both have serious flaws as currently implemented.[51]

In regulating access to the debate stage, parties should be cautious about relying on small-donor counts. A growing body of research suggests that the techniques necessary to succeed in small-donor fund-raising encourage grandstanding and extreme rhetoric and behavior.[52] A long list of small donors is also obviously something that candidates with sufficient financial resources can purchase. Expenditures purely aimed at meeting a threshold number of donors from around the country for debate participation are counterproductive for campaigns' broader purposes of gaining votes in specific states to win primaries. Parties lose credibility by deliberately encouraging this kind of pointless gamesmanship.[53]

While polls are clearly relevant in ascertaining candidate viability, the current reliance on media polls presents some challenges. In effect, the parties are outsourcing the determination of which of their candidates are viable to entities they (especially Republicans) accuse of being biased against them. In addition, the number of people polled is so small that admission to the debate stage can hinge on whether or not a handful of people answer their phones or turn on their computers in states that will not be relevant to picking the nominee.

In an attempt to address this problem, the RNC in 2023 issued rules requiring that candidates show at least 1 percent support in polls that

include at least 800 likely Republican primary voters or caucus-goers (up from 500-person samples in 2020).[54] But this still leaves three major problems. First, a 1 percent threshold falls well within the margin of error of any media poll, such that random sampling error will determine which of the candidates at very low levels of support meet the threshold. Second, exceedingly few media polls meet the requirement of including 800 likely Republican primary voters or caucus-goers.[55] Third, media polls do not release the states in which their respondents reside, meaning that in a nationwide poll, larger states, which may not be relevant to that party's primary, exert an outsize influence.[56]

At minimum, parties should consider doing their own polls with larger sample sizes instead of relying on media entities. Short of doing that, however, they will need to be realistic about the standards they set for polls conducted (and financed) by other organizations.

Numbers of donors and polling results are not the only indicators that can be used to assess candidate viability, moreover. Other indicators could include the number of states in which candidates have established working campaign headquarters and visible organizations, as well as the number of campaign staffers reported on their Federal Election Commission reports. In addition, it should not be off limits for parties to consider the total amount of campaign funds that candidates have raised, even though it would be inadvisable to set a firm benchmark. More controversial but highly relevant in today's campaigns would be taking into account the strength of third-party support for a candidate, such as supportive super political action committees and other aligned outside groups like 501(c)(4)s.

As they design their debate-inclusion criteria, parties should think long term by aiming to set up processes that can accumulate legitimacy over time. Obviously, no party organization can bind itself into the future. But parties should seek to develop primary debate rules that they can live with and that can accumulate legitimacy by enduring across multiple cycles.

4. *Fund-raising opportunity:* By putting on debates, parties would create an opportunity to solicit contributions for a "debate fund" to pay for the events. The current primary debate structure has not evolved from its concept of twenty-five years ago to take into account the changed fund-raising status of the political parties. In the 2019–2020 cycle, the RNC raised $890,495,917, and the Democratic National Convention raised $490,635,675, sufficient funds to cover the costs of the debates.

5. *Maximizing debate locations:* Debate locations and venues are now a matter of negotiation between the parties and the media sponsors.

By producing the debates themselves, the parties alone could decide the locations. As a lower-cost alternative to going to multiple states, the parties could rent out sound studios in central locations, use them for multiple primary debates with different signage and state party sponsors, and organize multiple watch parties in each of the "host" states. And, given the tradition of hosting debates in each of the pre-March states, the parties could hold debates in each of these early states and then use the central location for debates once multiple states start voting on the same days.

6. *Formats:* There is clearly a ceiling on the number of candidates who can meaningfully debate on a stage simultaneously. Parties should not hesitate, especially early in the primary process, to use multiple debate stages, even using random groupings of candidates rather than a "main stage" and an "undercard" one. Even so, there is a limit to the number of candidates a party can usefully and appropriately include.

By taking direct control of primary debates, parties can experiment with different formats. They can likewise regulate the terms of the debate, restricting audience participation and applause, so that the focus is on the candidates themselves rather than on the reaction of attendees who may or may not be representative of the party's broader electorate.

Conclusion

By managing the primary debates in a manner that voters and candidates respect as fair, appropriately inclusive, and focused on issues that matter to their voters, the parties can both enhance their relevance and shape one of the most important aspects of the primary nominating process. We encourage parties to build on the expanded role they have played in recent cycles to make this vital aspect of the presidential nominating process function better.

Notes

1. Nelson W. Polsby and Aaron B. Wildavsky, *Presidential Elections: Strategies of American Electoral Politics* (Chicago: University of Chicago Press, 1964), 230.

2. The first national conventions were held in 1831, by the Anti-Masons and the National Republicans (who soon became the Whigs). In 1832, another national convention adopted the Whig nominations. In 1836, the Jacksonian Democrats selected through a national convention, but their opponents did not. But by 1840, however, all significant parties had come to use the national convention system.

See, e.g., James S. Chase, *Emergence of the Presidential Nominating Convention, 1789–1832* (Urbana: University of Illinois Press, 1973), 294–295.

3. James W. Ceaser, *Presidential Selection: Theory and Development* (Princeton, NJ: Princeton University Press, 1979), 132, 136.

4. Here it is important to note that the party coordination project extended beyond the nomination process and that a significant organizing principle for national parties in this era was keeping slavery off the political agenda. See, e.g., Martin Van Buren's embrace of the "gag rule" petitions regarding slavery in the House of Representatives. Jeffery A. Jenkins and Charles Stewart III, "The Gag Rule, Congressional Politics, and the Growth of Anti-slavery Popular Politics," *Legislative Studies Quarterly* 32 (2007): 33–57.

5. One example of this is the 1844 Democratic nomination, in which the southern veto prevented Martin Van Buren's nomination because of his opposition to the annexation of Texas. The process led to the nomination of James K. Polk, a slave owner whose policies exacerbated conflict over the expansion of slavery.

6. The first caucus was in 1800, when Republicans were united behind Jefferson as their presidential candidate but were uncertain about their vice presidential candidate and so gathered in private to forge agreement on Aaron Burr. James Bryce, *The American Commonwealth*, vol. 2 (Carmel, IN: Liberty Fund, 1995 [1888]).

7. James W. Ceaser, *Presidential Selection: Theory and Development* (Princeton, NJ: Princeton University Press, 1979), 132, 136.

8. James W. Ceaser, *Presidential Selection: Theory and Development* (Princeton, NJ: Princeton University Press, 1979), 127.

9. For one description, see Leon Epstein, *Political Parties in the American Mold* (Madison: University of Wisconsin Press, 1986), 90.

10. Leon Epstein, *Political Parties in the American Mold* (Madison: University of Wisconsin Press, 1986), 90.

11. Leon Epstein, *Political Parties in the American Mold* (Madison: University of Wisconsin Press, 1986), 1.

12. In 1952, the American Political Science Association surveyed each state party organization in the country to find out how they selected delegates to the conventions and who effectively controlled that process. In carefully reviewing that survey data, the authors of *The Party Decides* concluded, "Most party organizations were sufficiently insulated from popular pressures that the selection of delegates to the party conventions—and hence the choice of party nominee—was dominated by insiders." Marty Cohen et al., *The Party Decides: Presidential Nominations Before and After Reform* (Chicago: University of Chicago Press, 2008), 118.

13. Leon Epstein, *Political Parties in the American Mold* (Madison: University of Wisconsin Press, 1986), 91.

14. Howard L. Reiter, *Selecting the President: The Nominating Process in Transition* (Philadelphia: University of Pennsylvania Press, 1985), 3. The one exception is the Democratic Party convention of 1956, when twenty states used primaries of some form.

15. Howard L. Reiter, *Selecting the President: The Nominating Process in Transition* (Philadelphia: University of Pennsylvania Press, 1985), 3 (Table 1.1). Again, there is also some discrepancy between the sources on exactly how many states used primaries. Some sources report sixteen or seventeen states as using primaries in 1968. See, e.g., Leon Epstein, *Political Parties in the American Mold* (Madison: University of Wisconsin Press, 1986), 91.

16. Marty Cohen et al., *The Party Decides: Presidential Nominations Before and After Reform* (Chicago: University of Chicago Press, 2008), 125–126.

17. Marty Cohen et al., *The Party Decides: Presidential Nominations Before and After Reform* (Chicago: University of Chicago Press, 2008), 142.

18. Marty Cohen et al., *The Party Decides: Presidential Nominations Before and After Reform* (Chicago: University of Chicago Press, 2008), 145.

19. Marty Cohen et al., *The Party Decides: Presidential Nominations Before and After Reform* (Chicago: University of Chicago Press, 2008), 145.

20. Byron E. Shafer, *Quiet Revolution: The Struggle for the Democratic Party and the Shaping of Post-Reform Politics* (New York: Russell Sage Foundation, 1983), 4.

21. Byron E. Shafer, *Quiet Revolution: The Struggle for the Democratic Party and the Shaping of Post-Reform Politics* (New York: Russell Sage Foundation, 1983), 6.

22. Marty Cohen et al., *The Party Decides: Presidential Nominations Before and After Reform* (Chicago: University of Chicago Press, 2008), 161; Elaine C. Kamarck, *Primary Politics: How Presidential Candidates Have Shaped the Modern Nominating System* (Lanham, MD: Rowman & Littlefield, 2009), 15; Byron E. Shafer, *Quiet Revolution: The Struggle for the Democratic Party and the Shaping of Post-Reform Politics* (New York: Russell Sage Foundation, 1983), 387.

23. Austin Ranney, *Curing the Mischiefs of Faction: Party Reform in America* (Berkeley: University of California Press, 1975), 203–209.

24. Anika Gauja, "Party Leaders in Australia," in *The Selection of Political Party Leaders in Contemporary Parliamentary Democracies: A Comparative Study*, edited by Jean-Benoît Pilet and William P. Cross (London: Routledge, 2014), 189, 204–205.

25. See, e.g., Tim Bale and Paul Webb, "The Selection of Party Leaders in the UK," in *The Selection of Political Party Leaders in Contemporary Parliamentary Democracies: A Comparative Study*, edited by Jean-Benoît Pilet and William P. Cross (London: Routledge, 2014), 12.

26. In 1995, during the country's period of democratization, the Taiwanese Democratic Progressive Party held an open primary for its candidate in the first direct presidential election, although it reverted to closed primaries of party members for subsequent ones.

27. Marty Cohen et al., *The Party Decides: Presidential Nominations Before and After Reform* (Chicago: University of Chicago Press, 2008).

28. Douglas W. Rae, *The Political Consequences of Electoral Laws*, 2nd ed. (New Haven, CT: Yale University Press, 1971); Arend Lijphart, "The Political Consequences of Electoral Laws, 1945–1985," *American Political Science Review* 84, no. 2 (1990): 481–496.

29. Voter turnout in earlier contests is often much higher than for those in later states. In 2020, average turnout in Democratic primary elections through March 3 (Super Tuesday) was 28.5 percent, including 42.4 percent in New Hampshire and the lowest turnout in South Carolina with 13 percent. Average turnout in primaries after Super Tuesday was 22.8 percent, with a minimum in North Dakota of 2.6 percent. Michael P. McDonald, "2020 Presidential Nomination Contest Turnout Rates," United States Elections Project.

30. From 1972 to 2016, the eventual nominee effectively locked up the nomination having won, on average, less than half the voters who had a chance to vote before the decision was effectively made. About half of the nominees had control of less than a majority of voters when they effectively eliminated their competition. Hans Hassell and Hans Noel, "Double Take: Party On, Rules," *New America Weekly*, August 11, 2016.

31. Caitlin Jewitt, *The Primary Rules: Parties, Voters, and Presidential Nominations* (Ann Arbor: University of Michigan Press, 2019).

32. Marty Cohen et al., *The Party Decides: Presidential Nominations Before and After Reform* (Chicago: University of Chicago Press, 2008), 97.

33. Marty Cohen et al., *The Party Decides: Presidential Nominations Before and After Reform* (Chicago: University of Chicago Press, 2008).

34. See Elaine C. Kamarck, *Primary Politics: Everything You Need to Know About How America Nominates Its Presidential Candidates* (Lanham, MD: Roman & Littlefield, 2023), chap. 7.

35. For a description of the scandal, see Andrew Young, *The Politician: An Insider's Account of John Edwards's Pursuit of the Presidency and the Scandal That Brought Him Down* (New York: St. Martin's Press, 2010).

36. See, e.g., Nicholas Confessore, "How the GOP Elite Lost Its Voters to Trump," *New York Times*, March 28, 2016.

37. See "Election 2016—Republican Delegate Count," RealClear Politics.

38. These comments were made to Elaine Kamark, one of this task force's members, who attended the Republican convention in Cleveland as part of her research into the presidential nomination system.

39. See Elaine C. Kamarck, *Primary Politics: Everything You Need to Know About How America Nominates Its Presidential Candidates* (Lanham, MD: Roman & Littlefield, 2023).

40. See 2024 Convention Rules of the Massachusetts Democratic Party, p. 3 Accessed at https://docs.google.com/document/d/1jjQ-n5VuSPh6mRSRPsWey-ZGZYJcX1uV/edit.

41. For instance, at the 2014 Democratic convention, Juliette Kayyem, a former Obama administration official, failed to reach the 15 percent threshold at the convention and was not on the primary ballot.

42. *Bellotti v. Connolly*, 460 U.S. 1057 (1983).

43. Thad Kousser et al., "Kingmakers or Cheerleaders? Party Power and the Causal Effects of Endorsements," *Political Research Quarterly* 68, no. 3 (2015): 443–456.

44. Julia R. Azari and Seth Masket, "Intraparty Democracy and the 2016 Election," in *Conventional Wisdom, Parties, and Broken Barriers in the 2016 Election*, ed. Jennifer Lucas, Christopher Galdieri, and Tauna Starbuck Sisco (Lanham, MD: Lexington Books, 2017).

45. See, e.g., "Newt Gingrich Slams John King for Question on Ex-Wife," *Washington Post*, January 19, 2012.

46. Media moderators have also effectively served as opposition research agents for the other party. See George Stephanopoulos in Iowa 2012 in an ABC News primary debate, January 7, 2012, posing a question to Mitt Romney about banning contraception ("New Hampshire Republican Debate: Mitt Romney Says Contraception Is 'Working Just Fine,'" video posted to YouTube by ABC News, January 8, 2012) and Lis Smith, *Any Given Tuesday: A Political Love Story* (New York: Harper Collins, 2023), 105–109 (Kindle version, Chapter 6).

47. William L. Benoit, Glenn J. Hansen, and Rebecca M. Verser, "A Meta-analysis of the Effects of Viewing U.S. Presidential Debates," *Communication Monographs* 70, no. 4 (2003): 335–350.

48. For example, from the July 9, 2023, *Politico Playbook*: Florida governor Ron DeSantis on Fox News' *Sunday Morning Futures* says, "The media does not want me to be the nominee. I think that's very, very clear. Why? Because they know I will beat Biden."

49. Adam Nagourney, "2008 Republican Field Shuns the Snowman," *The Caucus* (blog), *New York Times*, July 30, 2007.

50. See, e.g., Kendra Marr, "Memorable Primary Debate Moments," *Politico*, September 7, 2011.

51. Democrats did not plan 2024 primary debates because their standard bearer was an incumbent president, but they used similar criteria in 2016 and 2020.

52. For a discussion of these issues, see Richard H. Pildes, "The Neglected Value of Effective Government," NYU School of Law, Public Law Research Paper No. 23-51, *University of Chicago Legal Forum* 2023, article 8 (2024): 185–210.

53. See Geoffrey Skelley, "The Creative Fundraising Tactics Some Republicans Are Using to Make the Debate Stage," *FiveThirtyEight*, July 17, 2023; Amy B. Wang, "GOP Candidates Scramble to Attract Donors to Qualify for First Debate," *Washington Post*, July 13, 2023; Anjali Huynh, "Desperate to Debate: Why a G.O.P. Candidate Is Offering $20 for $1 Donations," *New York Times*, July 10, 2023.

54. In an 800-person sample poll, 1 percent is 8 people. Yet if parties admit only a set number of candidates, then literally a handful of people determine whether one candidate makes the debate stage while another does not, with obvious deleterious effects on his or her candidacy. The media polls do not disclose the states of the poll respondents or how they "weight" their sample to, in their minds, reflect the actual electorate.

55. Steven Shepard, "The RNC's Debate Plans Have a Major, Largely Unnoticed Problem," *Politico*, July 1, 2023.

56. A nationwide sample is generally weighted by state, resulting in California and New York (not exactly typical Republican voters) being 18 percent of the respondents. Precious few poll respondents would be from the states that set the stage for the primary—Iowa has 0.96 percent of the US population (8 people in an 800-person sample); New Hampshire, 0.41 percent; South Carolina, 1.56 percent; and Nevada, 0.96 percent. See "U.S. State Population by Rank," *Infoplease,* June 13, 2023.