

# The Republican Party and the Unsuccessful 2012 Presidential Nomination Reforms<sup>1</sup>

Caitlin E. Jewitt  
cjewitt@iupui.edu  
Department of Political Science  
Indiana University-Purdue University Indianapolis

<sup>1</sup>This paper was prepared for the State of the Parties Conference, November 7 - 8, 2013, Akron, OH.

## **Abstract**

Unlike the Democratic Party, which tinkered with and adjusted its national party rules governing presidential nominations continually between 1968 and 1988, the Republican Party has been content, for the most part, to be swept along by the rules and reforms imposed by the Democratic Party and leave many decisions up to the states. That all changed in 2008 with the Republican Party's creation of the Temporary Delegate Selection Committee and the decision to allow the rules to be changed and implemented prior to the next nomination season. With the Republican Party's second significant foray into reforming the presidential nomination process, it failed to achieve its objectives of allowing more states and more voters to have a meaningful voice in the selection of the nominee, in large part because several states failed to abide by the rules set by the national party. This stands in stark contrast to the Democratic Party's ability to drastically alter the nomination process time and time again between 1968 and 1988, fundamentally changing how presidential nominees were selected, while receiving cooperation from the states.

## **Introduction**

Following the tumultuous 1968 Democratic National Convention, where protests raged in the streets of Chicago and Hubert Humphrey was chosen as the Democratic nominee by party insiders without participating in a single primary, the Democratic Party embarked on perhaps the greatest party reform in United States history. In the decades that followed, the Democratic Party overhauled the presidential nomination system through a series of reform commissions, fundamentally altering the way presidential candidates are selected, and attempting to create a system that provided “timely and meaningful participation for ordinary citizens.” Incrementally, the Democratic Party established a system where voters made their preferences known through primaries and caucuses, held over several months, and delegates were selected in the primaries and caucuses to represent the voters’ preferences throughout numerous steps that culminated in the National Convention. Although the Democratic Party initiated the dramatic reforms that took place in the late 1960s and 1970s, the Republican Party’s process for nominating presidential candidates was also altered substantially. While the Republican Party’s process was fundamentally changed, it was not because the Republican Party took an active role in making those changes. Instead, the Republican Party could be described as a passive bystander to the Democratic reforms, yet was affected by the numerous modifications the Democratic Party made to the presidential nomination process.

In fact, it was not until more than twenty years after the first Democratic reforms that the national Republican Party started becoming actively involved in tinkering with the presidential nomination system, though these initial efforts were minimal and largely unsuccessful. Finally, forty years after the original Democratic reform commission, the Republican Party took an active role in trying to shape the trajectory of the presidential

nomination by modifying the rules of the game prior to the 2012 nomination. The creation of the Temporary Delegate Selection Committee in 2008 represents a significant departure in the Republican Party's pattern of being mostly uninvolved in reforming the presidential nomination process. With this committee, the Republican Party mandated that the states abide by national party rules in an attempt to lengthen the nomination process and involve more voters in the selection. Yet, I demonstrate the Republican Party's second attempt at reforming the presidential nomination process failed at meeting its stated goals, in large part, because it was unsuccessful at ensuring the states abide by the national rules.

This paper examines the history of the parties' reforms of the nomination process, the reasons that the Republican Party finally took an active role in the process for the 2012 nomination, and evaluates the success of the recent GOP reforms. In evaluating the success of the Republican reforms, I make direct comparisons between the two most recent Republican nominations (2008 and 2012), both of which were competitive nominations. I show that while the Republican Party reformed its rules for the 2012 nomination for the purpose of allowing more voters and states to have a say in the process, the reforms were unsuccessful in achieving these objectives. While the 2012 nomination stretched on longer than the 2008 nomination, fewer states and voters had the opportunity to voice a preference for the Republican nominee in 2012 before a *de facto* nominee emerged. My findings suggest that front-loading, the trend for states to move their nominating contests toward the front of the calendar, may at times allow more voters a voice in the nomination. This stands in sharp contrast to the negative consequences of front-loading that are typically highlighted.

## **The History of Nomination Reforms**

The Democratic Party initiated the presidential nomination reforms at the 1968 National Convention because of dissatisfaction with the process and cries for reform from within the party. When Senator McCarthy formally announced his candidacy for the 1968 Democratic presidential nomination in November of 1967, more than one-third of delegates to the Convention had already been chosen, ensuring he was disadvantaged from the start of his campaign (Bode and Casey 1980). Months later, when incumbent president Lyndon Johnson announced on March 31, 1968 that he would not seek reelection, the delegate selection process was already underway in all but twelve states (Bode and Casey 1980). Headed into the 1968 presidential election in the midst of the Vietnam War, the Democratic Party was deeply divided. Outside the Democratic National Convention in August 1968, the anti-war faction of the party protested Humphrey's nomination, particularly because he secured the nomination without participating in a single primary and was not even a candidate in the race until late April 1968.

Inside the convention, because of the controversy that surrounded the nomination, resolutions were passed that called for an examination and report of the presidential nomination system (Haskell 1996). The Ad Hoc Commission (1968), or Hughes Commission, and its report on the undemocratic features of the nomination process contributed to the creation of the Commission on Party Structure and Delegate Selection, more commonly known as the McGovern Fraser Commission (1969 - 1972), at the 1968 Democratic National Convention. After years of work, the McGovern Fraser Commission made numerous recommendations for altering the presidential nomination process, including banning proxy voting, abolishing the unit rule, eliminating party elite ex-officio delegates, recommending states publish the time and location of caucus meetings, that caucus meetings

should be held on the same date across the state, that delegates should be chosen in the same calendar year as the Convention, and that steps should be taken to encourage the representation, inclusion, and participation of minority groups, including racial minorities, young people, and women (McGovern and Fraser 1970). The McGovern Fraser Commission is seen as widely successful for overhauling the presidential nomination system and having the states modify their procedures and abide by the rules in a relatively short period of time. In fact, the nomination system was reformed in time for the next nomination in 1972, with the majority of states being in compliance with the rules.<sup>1</sup>

The Republican Party did not actively reform its process prior to the 1972 Convention, and there was no need to do so at the time. There was no uncertainty as to who would be the GOP nominee in 1972, as the Republican Party was simply renominating President Nixon. The Republican Party did consider modifying its rules when the Democrats were beginning to alter their process, but the reforms were never implemented. At the 1972 Republican National Convention, a committee was created to assess the relationship between the national committee and the state committees and evaluate the reforms being utilized by the Democrats. Most of the recommendations were ultimately rejected, and the Republicans specifically declined to mandate proportional representation for the delegate allocation rule, favoring the winner-take-all system instead (Kamarck 2009). As a result, the Republican Party has tended to make recommendations and encourage the states to invoke certain practices, rather than requiring reforms, as the Democratic Party has done.

The Democratic Party has not been hesitant to require reforms, as it constantly altered the presidential nomination process between 1968 and 1988. The Democratic Party had

---

<sup>1</sup>Democratic National Committee. 1972. *The Party Reformed*, Final Report of the Commission on Party Structure and Delegate Selection. This report is housed at the National Archives in Washington, D.C.

no fewer than eight commissions in this time period that adjusted and then readjusted the rules. These reform commissions constantly tinkered with the delegate allocation rule, eventually closed the Democratic nominee selection process to non-party members, and studied the unanticipated proliferation of primaries.

More than any other rule, the Democratic Party adjusted the delegate allocation rule, changing it or allowing the states to alter it prior to almost every nomination cycle. The Democratic Party has altered this rule in an effort to achieve various goals, including ensuring fairness, deterring minor candidates and factions, protecting President Carter from minor candidates, and as a response to dissatisfied candidates.

The Mikulski Commission prohibited winner-take-all delegate allocation rules for the 1976 nomination in an effort to ensure that voters' preferences were fairly reflected (Gleiber and King 1987). In place of winner-take-all delegate allocation rules, the Mikulski Commission recommended that the states use proportional representation with at least a ten percent threshold, but the Democratic National Committee revised this recommendation to include a 15% threshold before passing the rule change (Morton and Williams 2001; David and Ceaser 1980).

Though the next commission, the Winograd Commission, was originally supposed to find a way to guarantee the use of proportional representation, the fear of factions emerging caused the commission to take a different tactic and instead try to ensure that minor candidates would not have too much influence in the process (Kamarck 2009). As a result, the Winograd Commission allowed states to use winner-take-all at the congressional district level, sidestepping the Mikulski Commission's prohibition of winner-take-all rules, and creating what became known as the loophole primary (Gleiber and King 1987). The Winograd Commission also raised the threshold associated with the proportional

representation rules in an effort to make it more difficult for minor candidates to win delegates and advantage incumbent President Carter in his renomination in 1980. With a Democratic president in the White House, the Democratic National Committee had to ensure that the recommendations of the Winograd Commission were approved by President Carter and his supporters. As a result, the changes that were enacted prior to the 1980 nomination represented compromises from the committee's recommendations, with the final rule changes including setting the proportional representation threshold between 15 and 20% for every step of the caucus process, and making the threshold in primary states dependent on the number of delegates that were awarded to the state, but mandating that the threshold could be no higher than 25%.

In addition to creating positions for party officials, now known as superdelegates, the Hunt Commission (1981 - 1982) also continued to allow districts within states to use winner-take-all for the 1984 nomination. Moving even further away from the 1976 mandate for proportional representation and allowing the states greater freedom in their delegate allocation procedures, the Hunt Commission also permitted states to use a winner-take-more system, where delegates are awarded proportionally, but the winning candidate receives a bonus delegate (Smith and Springer 2009; Morton and Williams 2001; Gleiber and King 1987).

The delegate allocation rules were changed once again prior to the 1988 nomination by the Fairness Commission. The Fairness Commission, chaired by Don Fowler, was formed, in large part, in response to Gary Hart and Jesse Jackson's complaints that the delegate allocation rules disadvantaged their candidacies in the 1984 nomination. For the 1988 nomination, the Democratic Party required that the states allocate Democratic delegates proportionally, but lowered the threshold that was set by the Hunt Commission

to 15% (Smith and Springer 2009; Morton and Williams 2001). However, the Democratic Party continued to allow the use of winner-take-more delegate allocation rules, which give winning candidates bonus delegates. After going back and forth on the delegate allocation rule, the Democratic Party eventually did mandate proportional representation, with a 15% threshold, for all states. However, it did not do so through a reform commission, but instead this rule change was instituted by the Democratic National Committee's Rules and By-Laws Committee in 1990 and instituted for the 1992 nomination. After years of changing the delegate allocation rule, the Democratic Party has mandated proportional representation with a 15% threshold for all states for every nomination since 1992.

These constant adjustments by the Democratic Party and its numerous reform commissions on the rules regulating how the states can allocate Democratic delegates stand in stark contrast to what has been the Republican Party's philosophy on the nomination process. The Republican Party has typically allowed the states to choose whether they will hold a primary or caucus, which voters are allowed to participate, and how delegates are allocated.

There are four main reasons that the Republican Party has been much less involved in instituting drastic changes to the system. First, the Republican Party was content with the system as it existed because the party was successful in winning the White House in the 1970s and 1980s. Consequently, the party did not feel a strong need for reform (Cook 2004). Second, there was not a strong faction within the Republican Party lobbying for reforms like what existed within the Democratic Party (Fraser 1980; Kamarck 2009; Norrander 2010). Third, the Republican Party is known for its position on state rights and only utilizing federal authority when necessary. In line with this principle, the Republican Party has felt that the nomination process should be left up to the states and that national

mandates were not necessary (Fraser 1980; Davis 1980; Jones 1981). The national party has traditionally only become involved in the process when it felt it was essential (Davis 1980). Finally, it is more difficult for the national Republican Party to change its rules and procedures. Unlike the Democratic Party that can alter its rules between conventions, the Republican Party requires that any rule changes be approved by four different bodies: the National Committee Rules Committee, the National Committee, the Rules Committee of the National Convention, and the National Convention itself (Cook 2004; Kamarck 2009; DiClerico 2000; Mayer and Busch 2004). For instance, in order to change the rules for the 1976 nomination, the recommendations would need to have been completed prior to the 1972 Republican National Convention so that they could be approved at the 1972 Convention and put into place four years later. In other words, the process of reform is much slower and more complicated in the Republican Party compared to the Democratic Party.

While the Republican Party did not take an active role in reforming the process at the national level, Republicans have not been immune to many of the rule changes that have been implemented (Haskell 1996). Often times, the Democratic Party reforms require changes in state laws, which forced the Republican Party to abide by the same rule changes. For instance, when states switched from caucus systems to presidential primaries in an effort to most easily meet the requirements mandated by a reform commission, this was often implemented by the state legislatures, which did not create a presidential primary solely for the Democratic Party, but instead created presidential primaries for the entire state (Cohen et al. 2008). Additionally, since the Democratic Party now mandates that states use proportional representation and the Republican Party has (until 2012) left the choice of a delegate allocation rules up to the states, many states have chosen to

impose the required Democratic rules on the delegates of each party.

For the most part, the Republican Party did not resist the changes that the Democratic Party initiated for several reasons. First, the movement towards more direct and participatory democracy for a wide segment of the population was a popular reform and the Republican Party would have had a difficult time resisting a democratization of the system. Additionally, in 1972, the first nomination of the post-reform era, the Republicans were simply re-nominating President Richard Nixon, rather than hosting a competitive nomination. By 1976, when the Republicans were participating in a competitive nomination, the media and the public had already accepted the changes to the presidential nomination system, which would have made it very difficult for party insiders to quietly select the GOP nominee. Additionally, the Republican Party had observed the media attention and voter interest surrounding the 1972 Democratic process and did not want to give the Democrats the national spotlight in 1976 while they quietly nominated a candidate (Cohen et al. 2008). There were also two high quality and popular Republican candidates, former Governor Ronald Reagan and President Gerald Ford, vying for the nomination in 1976 and party elites felt that input from Republican voters would be valuable (Haskell 1996). Whether the result of complacency or a desire to not be seen in a negative, undemocratic light by the media and voters, the Republican Party's nomination process changed along with the Democratic Party's system, without much direction or input from the national Republican Party.

### **The Republican Party's First Major Attempt at Reform**

When the Republican Party lost the presidential election of 1992, it began to consider altering the rules of the nomination process and created a Task Force on Primaries and Caucuses at the 1996 National Convention (Cook 2004; Busch 2000). The Task Force was

concerned with the front-loading of contests in recent nominations because it believed that front-loading prevented voters from having meaningful participation in the process and harmed candidates' ability to fundraise and perform well during a compressed calendar (Busch 2000). The Republicans went about attempting to change the nomination process by providing incentives to the states, rather than mandating certain rules, as the Democratic Party has traditionally done (Busch 2000). The Republican Party offered bonus delegates to states that scheduled their contests later on in the nomination season, hoping that this would entice states to move their primary or caucus back in the calendar, or at least keep it where it was, since a larger number of delegates should theoretically translate into more influence in the process.

Insert Figure 1 about here

Despite the goal of combatting front-loading, the Republican Party's incentive of extra delegates was deemed not enticing enough to combat states moving their contest earlier in the season. As can be seen in Figure 1, Super Tuesday, or the day that a large group of states hold their contests on the same day early in the nomination season happened longer after the Iowa caucuses in 2000, than it did in 1996. The nomination season was more stretched out in 2000 than it was in 1996, as evidenced by the number of states in 2000 holding their contest more than 100 days after the nomination season began. However, what is not evident in these figures is that the Iowa caucuses were held earlier in 2000 than in 1996. The nomination season began on January 24, 2000 compared to a mid February start in 1996.

Mayer (2001) documents just how unsuccessful the GOP attempts at reform were, particularly when the Republican calendar is compared to the Democratic calendar.

Suddenly, five weeks separated the New Hampshire primary and the California-New York extravaganza. The parties filled these five weeks in very different

ways. Since Democratic Party rules forbid any states except Iowa and New Hampshire from holding a delegate selection event before the first Tuesday in March, the five-week gap remained just that: not a single Democratic primary or caucus took place during this period. Republican national rules are more permissive, so a handful of states jumped into the void, ultimately creating a calendar that had at least some pretensions to a gradual beginning. In the end, there was only one Republican primary in each of the two weeks immediately following New Hampshire, and two each in the two weeks after that. And with one exception, none of these six primaries took place in a particularly large state (Mayer 2001, 16).

Figure 2 illustrates that a few states rushed to the front of the process on the Republican side, whereas the Democratic Party was more successful in holding states back and creating a window that states (other than the carve out states) could hold its contests within. In other words, the Republican Party's first serious foray into reforming the presidential nomination process by offering states bonus delegates to hold later contests was unsuccessful as the 2000 Republican nomination remained front-loaded, especially compared to the Democratic calendar.

Insert Figure 2 about here

With the exception of this somewhat unsuccessful commission designed to combat front-loading, the Republican Party has traditionally not taken an active role in reforming the presidential nomination process. In a sharp departure from previous behavior, the national Republican Party became actively involved in adjusting the process for the 2012 nomination and attempted to coordinate their calendar with the Democratic Party to avoid the mishaps that occurred in 2000.

In the remainder of this paper, I describe the features of the 2008 presidential nomination process that led to the call for reforms prior to the 2012 nomination season and discuss the rule changes that the RNC implemented for the 2012 nomination season. I also focus specifically on the states that decided not to abide by the RNC rules and assess

the impact that these decisions had on the nomination season. Next, I assess whether the new rules and the 2012 nomination season achieved the RNC's goals of stretching out the nomination season and allowing more voters to participate in the nomination process compared to 2008. Finally, I conclude with thoughts on the rules that the Republican Party is considering for 2016.

### **Changes between 2008 and 2012**

“Reforming the reforms has become a quadrennial task for the Democrats and one in which the Republican Party has engaged periodically” (Wayne 2009, 49). As previously mentioned, there were several reasons that the Republican Party has not been as active as the Democratic Party in reforming the presidential nomination process. Traditionally, the Republican Party has been more content with its success at the presidential level, there was never a significant call for reform from within the rank-and-file of the party, the party is known for preserving the freedom of the states and shying away from national mandates, and it is more difficult and takes longer for the GOP to alter its selection process. However, at the 2008 Republican National Convention, after reflecting on the most recent nomination season, the Republican Party chose to allow reforms to the process to occur prior to the nominating season in 2012, which is a significant departure from its typical procedure. It created the Temporary Delegate Selection Committee that would recommend changes to the process to be approved by the Republican National Committee in the summer of 2010 (Kamarck 2009; Mann 2009). The Republican Party decided to alter its rules for the 2012 nomination season to achieve several goals: 1) to ensure that the nomination season lasted longer than it did in 2008; 2) to allow more voters to have a say in choosing the nominee; 3) to select a nominee that had wide support among the electorate and thus increasing the party's chances in the general election; and 4) to keep

interest and attention on the Republican nomination race to increase the chance of victory against President Obama.

In order to understand why the GOP decided to become actively involved in reforming the nomination process for 2012, it is important to examine the preceding nomination. In many ways, the 2008 nominations were similar to those that had occurred in previous years and exhibited expected tendencies. The contests were front-loaded at the beginning of the calendar and the successful candidates were well-known and well-financed. The most surprising feature of the 2008 nominations was the lengthy, drawn-out battle between Obama and Clinton, where all of the states had the opportunity to participate in the process with voters across the country having the chance to voice their preferences before a nominee was selected. In contrast to the exciting, contentious battle on the Democratic side, the Republican nomination was decided early, with John McCain essentially securing the Republican nomination on March 4, 2008. This tendency to secure the nomination in March had become typical in recent years, as can be seen in Table 1, which depicts the date that each nominee secured the nomination in the post-reform era. <sup>2</sup>

Insert Table 1 about here

Many felt that the Republicans decided on their nominee far too quickly in 2008, due in part to the institutional rules structuring the nomination, and that this quick decision had negative consequences for the Republican Party's ability to nominate a candidate who

---

<sup>2</sup>I chose to use the date of whichever came first: when a candidate secures a majority of delegates or when a candidate becomes the de facto nominee. If I only used the date the candidate secured a majority of delegates, it would provide an inaccurate sense of competitiveness in some cases. For instance, in 2004, John Kerry is considered the presumptive nominee on March 4, the day after John Edwards withdrew from the race. Since Howard Dean, Wesley Clark, and Richard Gephardt had all previously withdrawn from the race, the end of Edwards' campaign made Kerry the presumptive nominee and the race no longer competitive because all of his serious competitors had withdrawn, even though he did not secure a majority of delegates until April 27, 2004. However, in 2008, McCain secured the Republican nomination on March 4, when he captured a majority of the delegates to the National Convention even though Huckabee did not withdraw until the following day.

could win in November. While the nominee has typically been chosen quickly in recent years for both parties, the delegate allocation rules previously allowed by the Republican Party certainly increase the probability that the Republican nominee would be chosen before most voters cast a ballot in a primary or voice their preference in a caucus. As outlined earlier, the Democratic Party, through its reform commissions, has prohibited the use of winner-take-all delegate allocation rules for various reasons, and since 1992 has mandated proportional representation with a 15% threshold. The Republican Party, on the other hand, has (until 2012) allowed the states to utilize the delegation allocation rule of their choice, and several have used winner take all. As Wright points out, allowing states to use winner-take-all means “small differences can have huge practical as well as psychological effects” (2009, 37). In other words, the Republican Party’s lack of a mandate for proportional representation means that early front-runners and candidates with high name recognition are advantaged more on the Republican side than on the Democratic side (Morton and Williams 2001; Wayne 2009). A Republican candidate can secure the nomination quicker than the Democratic candidate, given identical calendars and different delegate allocation rules because winning early states results in larger leads in the delegate count, as opposed to splitting the delegates proportionally.

This quick accumulation of delegates occurred in 2008 in large part because of the winner-take-all delegate allocation methods, with the choice in only four states (Iowa, New Hampshire, South Carolina, and Florida) having any real impact on deciding which candidate would go on to be the Republican presidential nominee (Mann 2009; Sabato 2009). After his losses in Iowa and New Hampshire, Romney was unable to stop McCain’s momentum, and the results of Super Tuesday simply confirmed the decision of selecting McCain as the nominee, who became the front-runner in the first month of the nomination

(Mann 2009), and was leading the delegate count by more than 400 delegates following Super Tuesday. As a result, Romney withdrew on February 5, 2008, leaving McCain with only minimal competition from Huckabee until Huckabee's withdrawal on March 5, 2008.

After seeing the media attention and excitement surrounding the drawn out Democratic nomination in 2008 and the implications this drawn out process had for voter enthusiasm, the Republican Party decided to become involved in reforming the process and focused on trying to extend the Republican nomination season in 2012 (Putnam 2012). The Temporary Delegate Selection Committee believed that the process started too early and was too heavily front-loaded in 2008 and was tasked with remedying these problems prior to 2012 (Putnam 2012). Tennessee Republican National Committeeman John Ryder, who was a member of the Temporary Delegate Selection Committee stated, "We will have a 60-day nominating contest that will be long enough for the party to evaluate the candidates and consider their electability, but not so long that it will create a problem for the general election."<sup>3</sup> The reforms were also designed to

avoid an early victory for a candidate who might secure the nomination by stringing together a series of low-plurality wins. That's what happened in 2008, when John McCain in early February became the de facto nominee despite failing to win a majority of the vote in nearly any of the party's contests at the time. His early knockout victory contributed directly to reduced participation and media attention in remaining Republican primaries, in sharp contrast to the spirited Democratic contest that continued into June.<sup>4</sup>

The Republican National Committee (RNC) dealt with the perceived problem of the nomination season starting too early and the nomination being decided too quickly by creating new rules that were adopted in August 2010. The RNC attempted to deal with

---

<sup>3</sup>Rothenberg, Stuart. "Can Small RNC Rule Change Affect GOP Race?" *Roll Call*. 8 September 2011. [http://www.rollcall.com/issues/57\\_25/can\\_small\\_rnc\\_rule\\_change\\_affect\\_gop\\_race-208531-1.html](http://www.rollcall.com/issues/57_25/can_small_rnc_rule_change_affect_gop_race-208531-1.html). Accessed 24 October 2013.

<sup>4</sup>Richie, Rob and Elise Helgesen. "A Rogue Convention? How GOP Party Rules May Surprise in 2012." *Politico*. 25 November 2011. <http://www.politico.com/news/stories/1111/69048.html>. Accessed 27 October 2013.

the front-loading problem in two ways: 1) by regulating the calendar and 2) by imposing restrictions on the delegate allocation rule used by the states. More specifically, the Republican National Committee allowed four carve-out states (Iowa, New Hampshire, Nevada, and South Carolina) to hold their nominating contest on or after February 1 and before the first Tuesday in March, whereas all other states were allowed to hold their contest on or after the first Tuesday in March. This proposed February start to the nomination was significantly later than the early January start in 2008. Additionally, any state holding its contest before April had to allocate its delegates proportionally. States holding contests later in the nomination season were permitted to use winner-take-all, which should have made the state “worth” more in terms of delegates and thus more influential and consequential in the race (Putnam 2012). Yet, the regulation for proportionality among early states was still less proportional and strict than the regulation enforced by the Democratic Party. For states holding contests earlier in the process (prior to April 1), only the statewide delegates had to be allocated proportionally or using a conditional method<sup>5</sup> – the district delegates could still be allocated in a winner-take-all fashion.

These regulations are particularly noteworthy because they represent the first time the Republican Party has mandated that the states abide by certain rules. This time around, the national party chose to set specific regulations about when states could schedule their contests, and, for the first time, which delegate allocation methods could be utilized. The RNC announced that any state violating the rules in 2012 would lose half of its delegates to the National Convention. In this sense, the RNC adopted a penalty as its enforcement

---

<sup>5</sup>A state may allocate delegates conditional on the performance of the candidates. For instance, if no candidate receives 50% of the statewide vote, then the delegates are awarded proportionally to the top three candidates. If a candidate receives 50% or more of the statewide vote, then all of the statewide delegates are awarded to the winning candidate.

mechanism, as the reward method of bonus delegates failed for the 2000 nomination.

Despite this penalty, the RNC was not able to solve the problem of states blatantly ignoring the rules and gladly accepting the penalties, as was done by Michigan and Florida in 2008, in an effort to gain influence in the process early on (Putnam 2012). With even one state willing to risk the penalty and move earlier in the process than allowed, the movement forced other states to either lose their influence in the process (something that early states Iowa and New Hampshire have been very reluctant to allow) or also violate the rules and push the process earlier. In fact, in 2012, three states, Florida, Michigan, and Arizona, created a ripple effect in the calendar by moving their contests into late January and early February and thus the carve-out states (Iowa, New Hampshire, Nevada, and South Carolina) were forced to break the rules and move their contests into early January to protect their early status (Putnam 2012).

For many states, the influence that comes along with an early primary or caucus date is far more important than the number of delegates the state sends to the national convention, which are more like party rallies than places for deliberation and decision in the post-reform era. For instance, while flagrantly mulling over an early primary date that would violate RNC rules, Arizona Governor Jan Brewer stated that she wanted to make sure Arizona was a major player in the presidential nomination and that it was critical that candidates campaign in Arizona and address immigration and border issues.<sup>6</sup> Florida officials were also more than willing to accept the penalty imposed by the RNC for an early primary date and stressed that it was important that candidates were vetted by

---

<sup>6</sup>Nowicki, Dan. "Arizona Presidential Primary Change May Disrupt Calendar." *The Arizona Republic*. 26 July 2011. <http://www.azcentral.com/12news/news/articles/2011/07/26/20110726arizona-presidential-primary-plan-may-disrupt-calendar.html>. Accessed 27 October 2013.

Camia, Catalina. "Arizona Threatens GOP Presidential Primary Schedule." *USA Today*. 2 September 2011. <http://content.usatoday.com/communities/onpolitics/post/2011/09/arizona-presidential-primary-jan-brewer/1#.Um1HXpVUtUE> Accessed 27 October 2013.

Florida voters. Florida Agriculture Commissioner Adam Putnam stated “We can’t let the interests of a few party delegates override the fourth-largest state’s role in selecting the next president...A large diverse state like Florida early in the process is a more meaningful test of the candidates’ strength than any of the other early states.”<sup>7</sup>

Based on the actions of Florida, Michigan, and Arizona, and the subsequent movement of the early carve-out states, it is clear the the GOP punishment of losing half of the delegates was not enough to force states to abide by the calendar regulations. Additionally, the Republican Party chose to impart only the minimum penalty on Florida, despite it violating rules in terms of scheduling and the allowed delegate allocation rule. Though Florida lost half of its delegates to the Republican National Convention because it scheduled an early primary (January 31), the Republican Party chose not to also punish Florida for opting to use a winner-take-all delegate allocation rule. Under the Republican Party’s rules in 2012, only states holding their nominating contest after April 1 were allowed to use winner-take-all rules. Yet because Florida was already being punished for holding a contest before the approved window, the RNC opted not to also punish the state for violating the regulations on how delegates are allocated.<sup>8</sup> Thus, despite only having 50 delegates (instead of 99), Florida was free to award all of its delegates to the winning candidate, raising the stakes in the primary for the candidates.

Insert Figure 3 about here

Since the Republican Party was not able to effectively enforce states to abide by its rules, the 2012 calendar looked completely different than the RNC intended. Due

---

<sup>7</sup>Smith, Adam C. “Florida Republican Leaders Push for Early 2012 Presidential Primary Date, Despite Threat from RNC.” *Tampa Bay Times*. 7 July 2011. <http://www.tampabay.com/news/politics/national/florida-republican-leaders-push-for-early-2012-presidential-primary-date/1179338> Accessed 27 October 2013.

<sup>8</sup>“Florida GOP Primary Will Be Winner Take All Contest.” *Huffington Post*. December 9, 2011. [http://www.huffingtonpost.com/2011/10/25/florida-gop-primary-2012\\_n\\_1030417.html](http://www.huffingtonpost.com/2011/10/25/florida-gop-primary-2012_n_1030417.html).

to the aforementioned states moving their contests earlier in the process, there was an unprecedented period of time between the start of the nomination and Super Tuesday, which can be seen in Figure 3. The nomination in 2012 started just as early as it had in 2008,<sup>9</sup> but it took longer for the nomination to ramp up, as there was a period in late February 2012 without any contests. Despite the calendar looking different than the RNC intended, RNC spokeswoman Kirsten Kukowski, stated “While the primaries will now start earlier than planned, the overarching goal of the current rules was to allow more states and voters to have a role in choosing the next Republican nominee for president. This goal will be met.”<sup>10</sup>

Insert Table 2 about here

The 2008 nomination began on January 3, 2008 and was secured by John McCain on March 4, 2008. The 2012 nomination began on January 3, 2012 and was secured by Mitt Romney on April 11, 2012. Thus, it appears that the goal of extending the length of time the nomination season lasted was met, as the 2012 season lasted 38 days longer than the nomination had in 2008. However, when we look closer at the number of people and states that had the opportunity to engage in meaningful participation in the process, it is apparent that the RNC’s goals were not met. As seen in Table 2, thirty-seven out of forty-eight contests were competitive and held before John McCain secured the nomination on March 4, 2008. Eleven states held their Republican nominating contests after McCain secured the nomination in 2008. In 2012, only thirty states held their contests before Mitt Romney secured the nomination on April 11, 2012. Nineteen states held their contest after

---

<sup>9</sup>In both years, the Iowa caucuses were held on January 3rd.

<sup>10</sup>Kennedy, John. “Presidential Primary Schedule Likely to Start in Early January with Florida Setting Jan. 31 Election.” *The Palm Beach Post*. 30 September 2011. <http://www.palmbeachpost.com/news/news/state-regional/presidential-primary-schedule-likely-to-start-in-e/nLyTX/> Accessed 27 October 2013.

Mitt Romney became the de facto nominee, and, thus, had no say in which candidate would become the Republican nominee to compete against Barack Obama in the general election. Thus, eight more states had the opportunity to weigh in on the nomination before a de facto nominee emerged in 2008 compared to 2012, despite the RNC's efforts to extend the process.

Turning to the number of voters who participated in the process, we see that fewer voters (16.15%) participated in the Republican nomination contests in 2012 than in 2008, where 17.58% participated. Interestingly, in both election years, the turnout rate in the competitive portion of the race is not substantially higher than the turnout rate in the uncompetitive portion of the nomination. Turnout did not drop once the Republican nominee was decided, despite what we might expect. However, this fairly steady turnout rate across the competitive and uncompetitive portion of the nomination can be explained by the fact that states that vote later, and consequently are more likely to be in the uncompetitive portion of the nomination, are also more likely to hold their presidential nominating contest in conjunction with their statewide primaries. As a result, turnout for states in the uncompetitive phase of the presidential nomination remains relatively high because voters are turning out to participate in statewide primary races. While the turnout rate between years for the Republican races is fairly equal, this does obscure the fact that there is substantial variation among states in each year, as depicted in Figure 4.

Insert Figure 4 about here

In sum, fewer voters turned out in 2012 to voice a preference for who should become the Republican nominee than participated in 2008, despite the RNC's intention of providing more voters a say in the nomination. The turnout rates in both Republican nominations is also significantly lower than it was in the drawn out Democratic nomination of 2008.

The RNC's reforms did not result in drawing more voters into the process and allowing more states to have an opportunity to participate in the process as intended. In both the 2008 and 2012 Republican nomination races, there was much lower rates of participation and meaningful choice than in the 2008 Democratic race.

### **Lessons from 2012 and Looking to the 2016 Nomination**

Unlike the Democratic Party, which tinkered with and adjusted its national party rules continually between 1968 and 1988, the Republican Party has been content, for the most part, to be swept along by the rules and reforms imposed by the Democratic Party and leave many decisions up to the states. That all changed in 2008 with the creation of the Temporary Delegate Selection Committee and the decision to allow the rules to be changed and implemented prior to the next nomination season. The Temporary Delegate Selection Committee and its recommendations for reform represent a significant milestone and departure in the Republican Party's tradition of being mostly uninvolved of imposing rules governing the presidential nomination process on the states. With the Republican Party's second significant foray into reforming the presidential nomination process, it failed to achieve its objectives. The Republican Party has, thus far, been unsuccessful in reforming the process by using incentives (in 2000) and disincentives (in 2012). This stands in contrast to the Democratic Party's ability to drastically alter the nomination process time and time again between 1968 and 1988, fundamentally changing how presidential nominees were selected, while receiving cooperation from the states.

The Republican Party's reforms were unsuccessful in achieving its stated goals of allowing more voters to have a say in the nomination. With the ripple effect of states moving their contests earlier to preserve their order in the nomination season after Florida announced it would hold a January primary, the 2012 nomination began just as early as

it had in 2008, despite the RNC's hope for a February start to the nomination. It took 99 days in 2012 for Mitt Romney to secure the nomination, compared to the 61 days it took John McCain to secure the nomination. The competitive portion of the nomination was longer in 2012. Yet, it appears that the Republican Party's goals of a less front-loaded process and allowing more voters a say in the process were in tension in 2012. Since many states abided by the RNC's prohibition on states (other than the four carve-out states) holding contests prior to the first Tuesday in March, there was a lull in the nomination calendar in late February where the nomination was stretching on, but no voters or states were making their preferences known. More states (37) voted in the 61 days the 2008 nomination was competitive than voted in the 99 days the 2012 nomination was competitive (30 states). While a front-loaded calendar is typically seen as being detrimental to the nomination process, we see that in 2008 the front-loaded nature of the nomination calendar actually allowed more states and voters a voice than was the case in 2012. The 2012 Republican nomination demonstrates that stretching out the process is not enough to increase involvement and maximize meaningful participation.

The failure to achieve these goals is due, in part, to the fact that states were more than willing to violate the RNC's rules and accept the punishment of the loss of half of its delegates in order to hold an early contest, gain media attention, and be seen as influential in the process. In 2008, Democratic candidates did not campaign in Florida because Florida violated the Democratic Party's rules by scheduling an early primary. We saw no similar pattern on the Republican side in 2008 or 2012; in fact, Republican candidates spent massive amounts of money in Florida in 2012. The states have learned that an early primary is worth more than delegates at the Convention. Additionally, allowing later states to utilize winner-take-all delegate allocation in order to make these

contests more influential was not particularly effective because the nomination was secured mere days after states were allowed to use winner-take-all. If the Republican Party and the RNC want to be successful in achieving their goals, then they have to ensure that the states and state parties abide by their rules. This task may be much more daunting for the Republican Party than it has been for the Democratic Party, with the Republican Party's overarching principle of limiting national involvement and protecting the freedom of the states. The Democratic Party has traditionally been very successful at receiving cooperation from the states, even when it changed its rules prior to every nomination cycle to achieve various goals, as it did with the delegate allocation rule in the 1970s and 1980s.

In order to retain its authority and ability to shape its nominating procedure, the Republican Party must find a way to keep states from shuffling their contest dates and sending the nomination calendar into a free fall. The RNC has already taken steps to show that it will take a stronger stand in 2016. Republican National Committee Chairman Reince Priebus has announced that he intends to shorten the 2016 primary season and move the National Convention to June, rather than holding it in August. He plans to impose a "death penalty" on states that violate the RNC's rules for scheduling, by only granting states that hold contests outside of the approved window a mere 9 delegates.<sup>11</sup> While this penalty is stricter, it may not be enough to keep the states from moving their contests earlier in the season, especially for smaller states who have fewer delegates to begin with. Additionally, Michigan and Arizona currently both have laws stating their primaries will be the last Tuesday in February and North Carolina has proposed a

---

<sup>11</sup>Schultz, Marisa and Chad Livengood. "GOP Plans to Change Primary Calendar with Eye on White House." *Detroit News*. 21 September 2013. <http://www.detroitnews.com/article/20130921/POLITICS02/309200143>. Accessed on 25 October 2013.

law to hold its primary mere days after South Carolina votes.<sup>12</sup> It is uncertain at this point whether these states will fall in line with RNC rules prior to the start of the 2016 nomination season.

Based on the historical overview of the reforms in the post-reform era, it is clear that the parties are more apt to alter the rules when they are dissatisfied with their success at the presidential level. After the failure of Mitt Romney to capture the White House in 2012, the Republican rules will be different for the 2016 nomination. The Republican Party will once again take an active role in the process, changing its rules in between National Conventions, as the Republican National Committee has created a subcommittee within its Standing Committee on the Rules to reevaluate and assess the rules for 2016.<sup>13</sup> The question is whether the rules will be different enough and the punishments severe enough to make a difference in shaping the nomination or if individual decisions made by the states will shape the structure of the 2016 nomination race. The Republican Party faces a dilemma in that in order to achieve its goals and produce a nomination procedure where most voters have the opportunity to select a popular, electable candidate, it has to mandate the states follow the national rules, which violates one of the party's core principles.

---

<sup>12</sup>Putnam, Josh. "It's Early but the 2016 Presidential Primary Calendar is Taking Shape." *Sabato's Crystal Ball*. 10 October 2013. <http://www.centerforpolitics.org/crystalball/articles/its-early-but-the-2016-presidential-primary-calendar-is-taking-shape/>. Accessed on 27 October 2013.

<sup>13</sup>Putnam, Josh. "It's Early but the 2016 Presidential Primary Calendar is Taking Shape." *Sabato's Crystal Ball*. 10 October 2013. <http://www.centerforpolitics.org/crystalball/articles/its-early-but-the-2016-presidential-primary-calendar-is-taking-shape/>. Accessed on 27 October 2013.

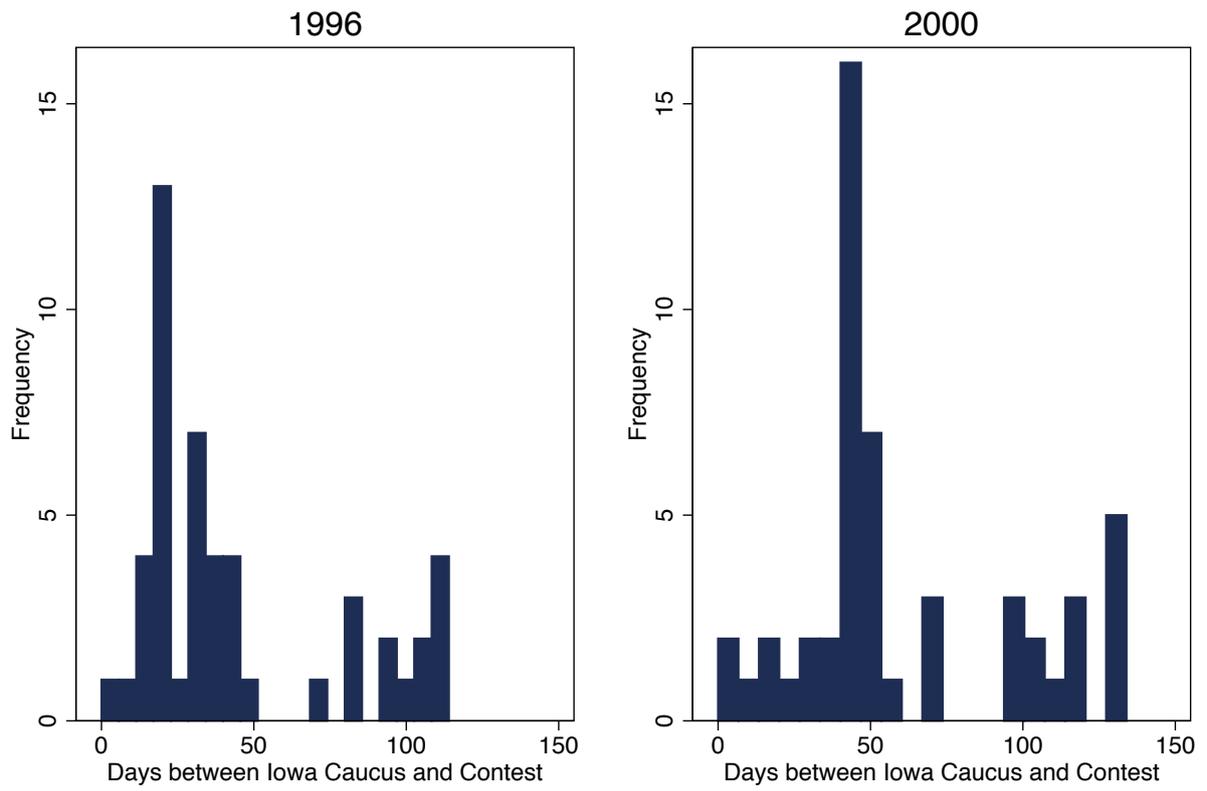


Figure 1: Frontloading: the Timing of the 1996 and 2000 Republican Contests

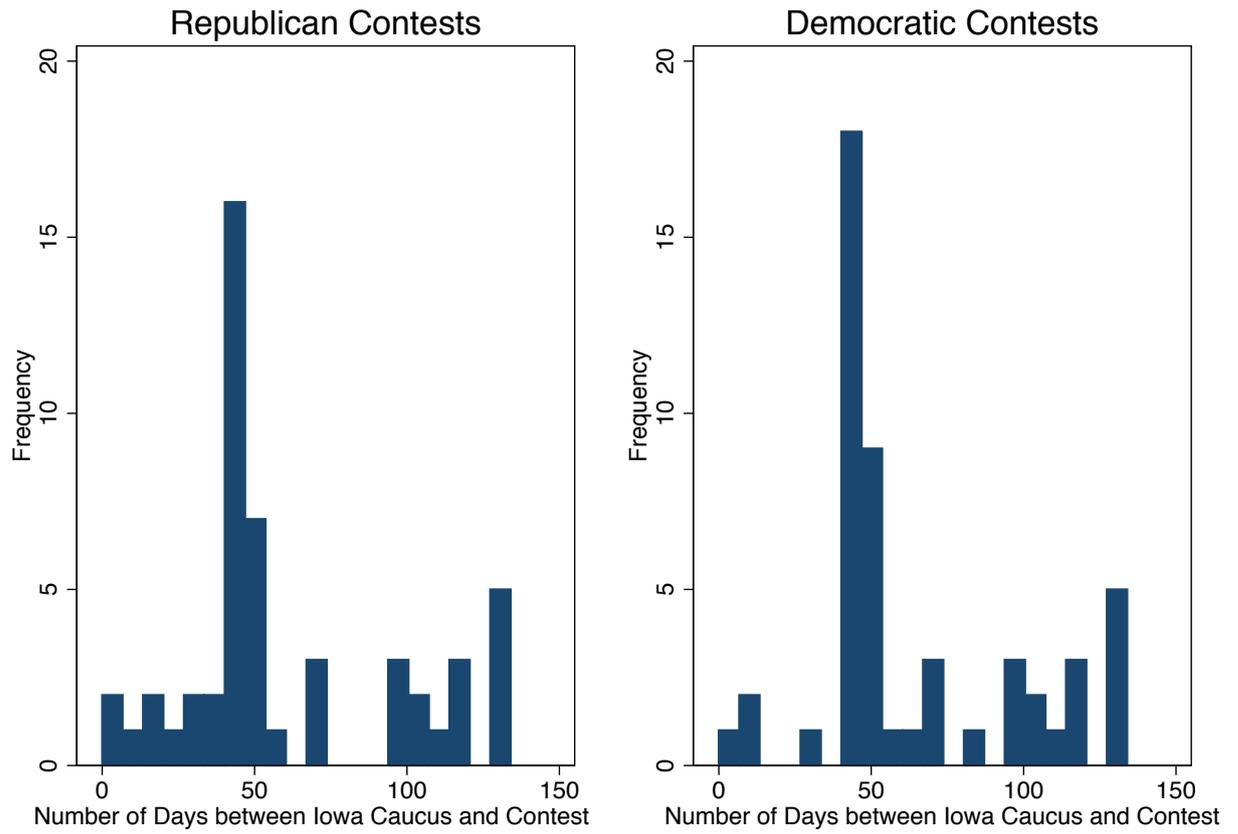


Figure 2: Frontloading: the Timing of the 2000 Republican and Democratic Contests

Table 1: Competitive Nomination Classification

<b>Year</b>	<b>Party</b>	<b>Date Nomination was Decided</b>
1980	Democratic	competitive for all contests
1980	Republican	May 27, 1980
1984	Democratic	competitive for all contests
1984	Republican	uncontested nomination
1988	Democratic	competitive for all contests
1988	Republican	March 8, 1988
1992	Democratic	March 19, 1992
1992	Republican	May 5, 1992
1996	Democratic	uncontested nomination
1996	Republican	March 26, 1996
2000	Democratic	March 9, 2000
2000	Republican	March 9, 2000
2004	Democratic	March 4, 2004
2004	Republican	uncontested nomination
2008	Democratic	June 3, 2008
2008	Republican	March 4, 2008
2012	Democratic	uncontested nomination
2012	Republican	April 11, 2012

Notes: The dates listed in the table are the dates that the nomination was decided. On this date, a candidate became the presumptive nominee, either by securing a majority of delegates or by the major competitors withdrawing from the race leaving one candidate as the de facto nominee. In other words, after this date the nomination was no longer competitive. When *competitive for all contests* is listed, a candidate did not become the presumptive nomination until after all contests had occurred or the nomination was decided at the National Convention. These dates were collected by examining the delegate totals of the candidates and by drawing heavily on Abramson et. al's series of *Change and Continuity* books (e.g. Abramson et al. 2006, 2002, 1998).

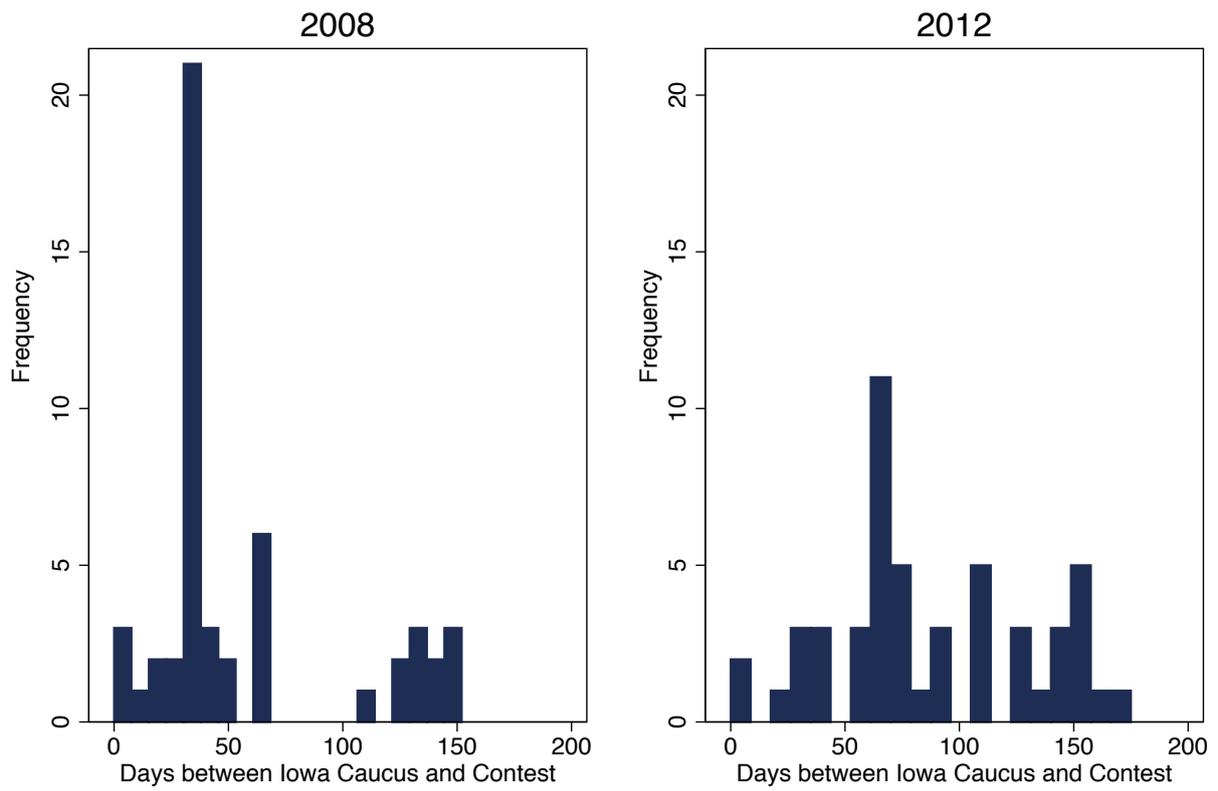


Figure 3: Frontloading: the Timing of the 2008 and 2012 Republican Contests

Table 2: Average Turnout in the 2008 and 2012 Nomination Contests

Party	Year	Nomination Status	Turnout	Number of Contests
Democratic	2008	Overall	31.3%	49
		Competitive	31.3%	49
		Uncompetitive	–	0
Republican	2008	Overall	17.58%	48
		Competitive	17.60%	37
		Uncompetitive	17.55%	11
Republican	2012	Overall	16.15%	49
		Competitive	16.31%	30
		Uncompetitive	15.89%	19

Note: A nomination contest is considered competitive if it occurs on or before the date the nomination was decided, based on the criteria and dates described in Table 1.

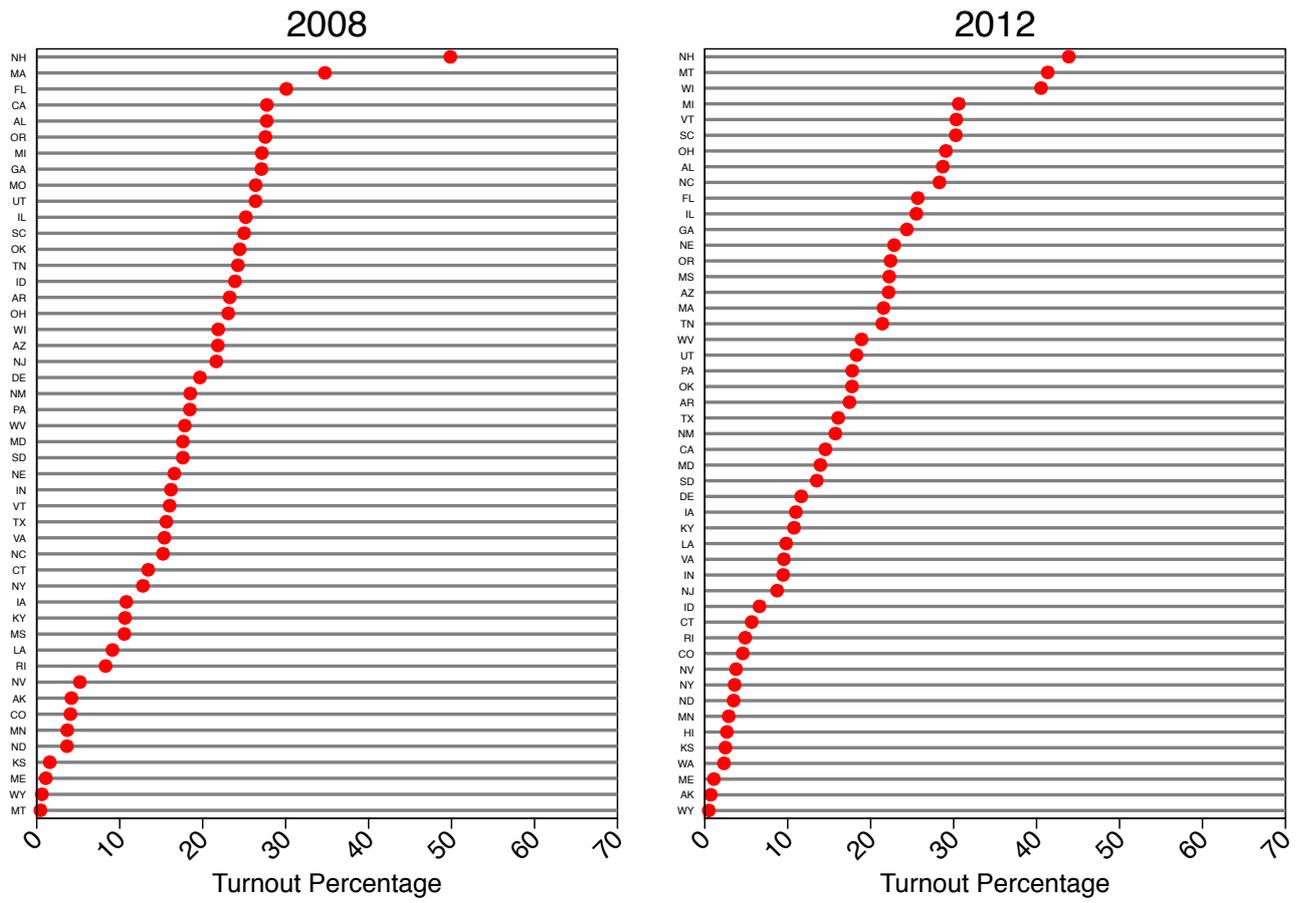


Figure 4: Turnout in the 2008 and 2012 Republican Contests

## References

- Abramson, Paul R., John H. Aldrich, and David W. Rohde. 1998. *Change and Continuity in the 1996 Elections*. CQ Press.
- Abramson, Paul R., John H. Aldrich, and David W. Rohde. 2002. *Change and Continuity in the 2000 Elections*. Congressional Quarterly Press.
- Abramson, Paul R., John H. Aldrich, and David W. Rohde. 2006. *Change and Continuity in the 2004 Elections*. CQ Press.
- Bode, Kenneth A., and Carol F. Casey. 1980. "Party Reform: Revisionism Revised." In *Political Parties in the Eighties* ( Robert A. Goldwin, editor), American Enterprise Institute for Public Policy Research.
- Busch, Andrew E. 2000. "New Features of the 2000 Presidential Nominating Process: Republican Reforms, Front-Loading's Second Wind, and Early Voting." In *In Pursuit of the White House 2000; How We Choose Our Presidential Nominees* ( William G. Mayer, editor), Chatham House Publishers, chapter Two, pp. 57 – 86.
- Cohen, Marty, David Karol, Hans Noel, and John Zaller. 2008. *The Party Decides: Presidential Nominations Before and After Reform*. The University of Chicago Press.
- Cook, Rhodes. 2004. *The Presidential Nominating Process*. Rowman and Littlefield Publishers, Inc.
- David, Paul T., and James W. Ceaser. 1980. *Proportional Representation in Presidential Nominating Politics*. University Press of Virginia.
- Davis, James W. 1980. *Presidential Primaries*. Greenwood Press.
- DiClerico, Robert E. 2000. "Evolution of the Presidential Nomination Process." In *Choosing Our Choices* ( Robert E. DiClerico, and James W. Davis, editors), Rowman and Littlefield Publishers, Inc.
- Fraser, Donald. 1980. "Democratizing the Democratic Party." In *Political Parties in the Eighties* ( Robert A. Goldwin, editor), American Enterprise Institute for Public Policy Research.
- Gleiber, Dennis W., and James D. King. 1987. "Party Rules and Equitable Representation: The 1984 Democratic National Convention." *American Politics Research* 15(1):107 – 121.

- Haskell, John. 1996. *Fundamentally Flawed: Understanding and Reforming Presidential Primaries*. Rowman and Littlefield Publishers, Inc.
- Jones, Charles O. 1981. "Nominating "Carter's Favorite Opponent": The Republicans in 1980." In *The American Elections of 1980* ( Austin Ranney, editor), American Enterprise Institute for Public Policy Research, pp. 61 – 98.
- Kamarck, Elaine C. 2009. *Primary Politics: How Presidential Candidates Have Shaped the Modern Nominating System*. Brookings Institute Press.
- Mann, Thomas E. 2009. "Is This Any Way to Pick a President? Lessons from 2008." In *Reforming the Presidential Nomination Process* ( Steven S. Smith, and Melanie J. Springer, editors), Brookings Institute Press, pp. 151 – 172.
- Mayer, William G. 2001. "The Presidential Nominations." In *The Election of 2000* ( Gerald M. Pomper, editor), Chatham House Publishers.
- Mayer, William G., and Andrew E. Busch. 2004. *The Front-Loading Problem in Presidential Nominations*. Brookings Institute Press.
- McGovern, George S., and Donald Fraser. 1970. *Mandate for Reform: A Report of the Commission on Party Structure and Delegate Selection to the Democratic National Committee*. Democratic National Committee.
- Morton, Rebecca, and Kenneth C. Williams. 2001. *Learning by Voting: Sequential Choices in Presidential Primaries and Other Elections*. The University of Michigan Press.
- Norrander, Barbara. 2010. *The Imperfect Primary: Oddities, Biases, and Strengths of U.S. Presidential Nomination Politics*. Routledge.
- Putnam, Joshua T. 2012. "The Impact of Rules Changes on the 2012 Republican Presidential Primary Process." *Society* 49:400 – 404.
- Sabato, Larry J. 2009. "Picking Presidential Nominees: Time for a New Regime." In *Reforming the Presidential Nomination Process* ( Steven S. Smith, and Melanie J. Springer, editors), Brookings Institute Press, pp. 136 – 150.
- Smith, Steven S., and Melanie J. Springer. 2009. "Choosing Presidential Candidates." In *Reforming the Presidential Nomination Process* ( Steven S. Smith, and Melanie J. Springer, editors), Brookings Institute Press, pp. 1 – 22.
- Wayne, Stephen J. 2009. "When Democracy Works: The 2008 Presidential Nominations." In *Winning the Presidency 2008* ( William J. Crotty, editor), Paradigm Publishers.

Wright, Gerald C. 2009. "Rules and the Ideological Character of Primary Electorats."  
In *Reforming the Presidential Nomination Process* ( Steven S. Smith, and Melanie J.  
Springer, editors), Brookings Institute Press, pp. 23 – 43.