

**REPORT OF THE COMMISSION  
ON  
THE PRESIDENTIAL  
NOMINATING PROCESS  
1982**

**Miller Center Commission No. 2**

**Preface**

In response to growing interest in the presidential nominating process, the White Burkett Miller Center of Public Affairs at the University of Virginia established a bipartisan Commission in the summer of 1981 to examine the ways in which the two major political parties select their candidates for president. Former Secretary of Defense and Congressman Melvin R. Laird and former Senator Adlai E. Stevenson III agreed to serve as co-chairmen. The chairman of the Governing Council of the Miller Center, former Virginia Governor Linwood Holton, consented to act as chairman of the executive board of the Commission.

In launching the Commission, the co-chairmen felt that, while other distinguished groups had undertaken similar studies, a Miller Center effort had much to contribute. Because of its diverse representation, bipartisan nature, and the manageable size of its executive board, the Commission would be well suited to consider all views, deliberate, debate, and decide promptly and efficiently.

Governor Holton described the Miller Center as well-suited to act as the main sponsor of this project because of its long experience in studying all aspects of the presidency. I was charged with overall responsibility for administering the project. The project's senior scholar who drafted the report was Professor James W. Ceaser, author of *Presidential Selection* and *Reforming the Reforms*. Editorial counsel was provided by Staige D. Blackford of the *Virginia Quarterly Review*, and Ronald Sharp of the *Kenyon Review*.

The Commission staff, led by David Clinton and Thomas Vandever, asked members of Congress, governors, mayors, and leaders of important constituency groups for their opinions on the recent operation and possible reform of the nominating process. They sent out 1,100 questionnaires, analyzed and collated the responses, and made the results available to the Commission's executive board. Professors James S. Young and Charles Jones reviewed and commented on the draft report.

The Commission on the Presidential Nominating Process is the Miller Center's second National Commission, the first having dealt with the presidential press conference. The Center's Council has encouraged creating National Commissions to study important issues involving presidency and to recommend constructive change.

The Council and staff of the Miller Center are particularly indebted to Joseph Harrison who early recognized the need for a bipartisan review of the nominating process and enlisted the interest of the majority of governors who were to serve on the Commission. The American Enterprise Institute and its president, William Baroody, generously assisted the Commission in countless ways, not least in hosting several important meetings. The Brookings Institution also made available a conference room and support facilities for a session of the Commission. Professor Nelson Polsby kindly shared the text of his latest manuscript on the nominating process.

The Commission was also assisted by the Democratic National Committee, the Republican National Committee, the Hunt Commission, the Sanford Commission, the United States Conference

of Mayors, the National Conference of State Legislatures, the National Association of Counties, Citizens for Presidential Primary Reform, and the American Council of Life Insurance. The George Gund Foundation and the Readers Digest Foundation also helped fund the project.

Kenneth W. Thompson, Director  
White Burkett Miller Center of Public Affairs

## **REPORT OF THE COMMISSION ON THE PRESIDENTIAL NOMINATING PROCESS**

### **Introduction**

No political process in the United States is more important than our method of nominating presidential candidates, yet none has given rise to so much dissatisfaction. From both ends of the political spectrum come demands for change. A growing resolve on the part of concerned Americans to find a solution to this problem unites Democrats and Republicans, liberals and conservatives, and advocates and opponents of recent reforms. This new movement knows no partisan cast, nor does it seek to benefit any one candidate or faction. It is motivated solely by the belief that the public interest is ill-served by the current nominating system. Its conviction is as simple as it is significant: there must be reform.

As a result of this interest in reform, the Miller Center created a bipartisan Commission to examine every facet of the process by which our two major political parties go about seeking their respective candidates for president. The Commission has collected the views of scores of political leaders and considered the suggestions of numerous scholars, political analysts, and interested citizens. This report summarizes these people's concerns and expresses the common objectives for reform that underlie their testimony. It then sets forth a set of specific proposals, considered during the testimony, that Commission members believe will best promote these objectives. The changes we advocate are few, practical, and able, for the most part, to be implemented immediately.

Because the responsibility for making changes in the nominating process is currently divided among many different bodies and levels of government, this report addresses several audiences. A reasonable coordinated approach to reform will require action by the Congress, the president, both national parties, the state parties, the governors, and the state legislatures. The willingness of these authorities to act will also be influenced by the number of groups and citizens who join in the movement for reform and urge their representatives and party officials to make the needed changes.

### **The Nominating Process: Where We Stand Today**

The transformation of the nominating process over the last two decades has been both dramatic and profound. As recently as 1960, most delegates to the party conventions were chosen in state party caucuses and possessed the discretion, as representatives, to exercise an independent choice about their party's nominee. Presidential primaries played an important, but secondary, role and many of the delegates chosen in primaries still retained and exercised their right to make their own decisions. By 1980, only 20 years later, some 37 states held primaries and nearly three-quarters of the delegates were committed to vote for a particular candidate on the basis of the primary results. The state caucuses—except for Iowa's—received little attention and, knowing that the delegates

chosen in primaries would be bound by party rule to support their candidate at the convention, caucuses had little reason or incentive to select uncommitted delegates. For all practical purposes, the outcome of the nominating races was decided by primary voters, not delegates. The voters, far from being able to express their real choice, often discovered that the scheduling of primaries created circumstances that reduced their options or rendered their votes meaningless.

Over the same period, the financing of nominating campaigns also drastically changed. In 1968, candidates raised funds on their own with few restrictions as to the source and no restrictions as to the size of the contributions or expenditures. Thus Robert Kennedy, responding to the new political climate created by the New Hampshire primary results in 1968, entered the race in March and in a brief 85-day campaign raised nine million dollars. By 1980, only twelve years later, all candidates seeking nomination faced limitations on how much public funding they could spend both within each state and for the national campaign as a whole. Nearly all official campaign contributions had to be reported; sources had to be publicly disclosed and they were subject to limitations of \$1,000 for an individual contributor and \$5,000 for a registered political group. There was no limitation, however, on independent expenditures outside of the official campaign and, for the first time in presidential nominating politics, the independent expenditures of nationally based political action committees began to play a significant role, following a pattern recently established in congressional races. Taken together, these changes dramatically altered the strategic environment of the nominating campaigns and changed the way in which candidates could seek their party's nomination.

The power of state and local party organizations and of elected party officials also greatly diminished between 1960 and 1980. In their place stand the national party labels which the individual aspirants now seek to capture by strategies of intimate village politics in the first contests (Iowa and New Hampshire) and by mass popular appeals thereafter. New power centers, in particular the national media, have moved into this vacuum and have come to exercise considerable influence over the outcome of the nominating decision. The candidates, obliged to fashion their campaign tactics to suit this new environment, think chiefly in terms of activating certain mass constituencies and pay less attention to negotiating and forging links with party leaders. The knowledge that voters, not delegates, will decide the results, combined with the time-consuming task of raising money in small sums to qualify for public financing, has forced candidates to begin active campaigns much earlier than before. The media and public follow these developments, extending the active campaign for so long that public interest can give way to public apathy.

In hindsight, these changes might seem part of a single, comprehensive plan to transform the nominating process. In fact, this was not the case. The changes were undertaken by different authorities—national parties, state parties, state governments, and the federal government—acting at different times under differing impulses. Frequently, they were reacting to each other's decisions. Yet as often as not, they were misinterpreting each other's intentions or responding to consequences that had been neither desired nor foreseen. So the system we have now is more the result of unintended consequences and mutual miscalculations than deliberate design. Moreover, no one claims responsibility for this system because no one ever wanted it to be as cumbersome, complex, and confusing as it is.

With these changes, the nominating process does not reflect a consensus of party officials or political leaders. In actuality, no two presidential campaigns since 1968 have been conducted under the *same* rules and laws. No sooner has one nominating campaign ended than legislators and party officials have initiated modifications for the next one. The effort to change the nominating process today cannot, therefore, be depicted as a threat to a settled institutional system. On the contrary, it

is another—albeit different—step in a continuing search to solve a problem that has vexed American politics for more than a decade.

Many of the recent changes represent indisputable improvements. Certain undemocratic abuses in the selection of delegates, offensive to proponents of any legitimate system, have been abolished. Groups, notably blacks and women, that in some instances were effectively shut out of participation in the process have been included. The pall of illegal campaign contributions and excessive financial dependence on a few sources has been lifted.

Despite these improvements, the system as a whole has proven unsatisfactory. In testimony after testimony, the Commission heard the same litany of unstinting criticism: that the active public phase of presidential campaigns is too long, diverting the attention of the public and political leaders from the business of governing the nation; that the democratic appearance of the decision-making process is often specious, with participation low and with many voting after the nomination decision has already been made; that there are too many incentives for candidates to create factional divisions within parties and not enough to promote consensus; and that the rules of campaign finance produce unnecessary burdens for the candidates and interfere with the expression of natural political forces.

Many who testified before the Commission commented on their participation in the nominating process, comparing their experiences before and after the recent reforms. This information was used to illustrate the problems of the nominating process and to assist in the search for viable reforms in the years ahead. No one proposed past systems as rigid models that should—or could—be reinstituted in their entirety. The tired debate about whether the nominating process before 1968 was superior to that after 1969 played no role whatsoever in the Commission's deliberations.

### **Principles and Objectives for Reform**

The general goals of the nominating process are clear. People want a system that is fair and takes into account the preferences of the party rank and file, including those who do not vote in the primaries; a system that selects qualified candidates capable of exercising the responsibilities of the presidency; a system that does not encourage unnecessary divisions within the parties; and finally, a system that promotes the delicate network of contacts among political leaders that will enable a president to govern effectively.

These general goals serve as the standards by which people ultimately try to judge and evaluate the performance of the nominating process. They are, however, too far removed from the immediate structure of the nominating process to serve as working principles of reform. In considering the views of all those who testified, the Commission sought to elicit a set of concrete objectives that would not only promote these goals, but would also serve as a practical guide for party officials and legislators. No one claims that it is possible to demonstrate a perfect cause and effect relationship between these concrete objectives and the general goals, but the Commission's list represents its best judgment of how the performance of the nominating process could be improved over the long run.

We accordingly urge changes in the rules and laws of the nominating process that will achieve the following four objectives:

1. a mix of delegate selection systems and a scheduling of delegate selection contests that do not serve artificially to reduce options, come to premature decisions, or cut off choice and deliberation in the decision on the presidential nominees;
2. a method of choosing and mandating delegates that leaves enough of them with

discretionary judgment such that the choice of the nominee by the delegates is a genuine possibility;

3. a method of selecting as delegates individuals who are knowledgeable about politics and committed to the long-term interests of their political party;

4. a system of financing nominating campaigns that precludes both the possibility and the appearance of corruption, but which otherwise avoids all unnecessary legal interference in the conduct of campaigns.

### **Specific Proposals**

This list of objectives was supported by the testimony given before the Commission and represents what we believe is a consensus today among the nation's political leaders. Using these objectives as a starting point, and considering all the specific suggestions of those who testified, we have drawn up a list of specific proposals to achieve these objectives. They are presented below within the context of the central aspects of the selection process.

#### *I. The mix of selection systems between primaries and caucuses*

One of the most frequently heard complaints was that both parties have too many primaries, placing unnecessary burdens on the candidates and detracting from the deliberative process that should determine the nomination results. Primaries do, of course, serve as *one* valuable method of judging rank and file preferences. But a nearly total reliance on primaries not only conflicts with other objectives of the nominating process, but also provides an imperfect and unreliable way of determining the popular will. Primaries by nature allow voters to express only a first preference, and all second or third preferences, which are necessary for determining majority sentiments in a multi-candidate race, are lost. The primary electorate, moreover, does not always represent the views of either party's traditional supporters or the views of the electorate as a whole. Participation in primaries is low and has generally been decreasing, and primary voters tend to be wealthier, more highly educated, and more ideologically motivated than the electorate at large.

There is no question that caucus systems suffer from faults of their own. But in states where the parties are reasonably strong and representative of their popular constituents, caucus methods can be relied upon to select competent delegates who are in touch with the basic sentiments of their constituents. However, binding delegates in caucuses to support their candidates with their convention votes, almost to the same degree as in primaries, should not be seen as the natural tendency of this system. Rather, it is the result of the caucuses' secondary role in the entire process and of certain rules, especially in the Democratic Party, that have discouraged a discretionary role for the delegates.

In light of these considerations, the Commission recommends

A. reducing the number of primaries to no more than 16;

B. making caucus procedures more attractive by allowing greater flexibility for state parties in caucus states. Specifically, national party rules should be relaxed to permit states to set aside a certain number of formally uncommitted delegates above and beyond those that emerge as uncommitted from the normal selection process.

#### *II. Selecting and mandating delegates*

The delegates and conventions today have lost their discretionary role. No change is more important than to return to the delegates and the conventions the practical possibility of making

independent judgment. Once delegates and conventions possess this authority, it is essential that the delegates themselves have the qualities and qualifications to exercise their authority with wisdom and discretion. The issues of freeing the delegates and ensuring their competence are thus intimately linked, and achieving the former without considering the latter would be a serious mistake.

The objective of returning discretion to the delegates is not a movement against democracy. If delegates are seriously to reflect the public's will in a multi-candidate race, they must take into account not only their constituents' first preference but also their second and third. Beyond that, the choice of presidential nominee is one in which those who have served their party long and loyally should have a voice. They are, after all, practiced in the art of politics; they have direct personal knowledge of the candidates; and they will continue to work directly with the candidate if he or she is elected, assuring the president of a coalition that will make government work. There is nothing elitist or anti-democratic in according such a measure of discretion to responsible representatives.

To achieve the goals of a deliberative process with knowledgeable delegates, every effort should be made to reduce the number of formally committed delegates and to assure that many of those who are committed possess the *de facto* discretion to exercise an independent judgment. The Commission favors measures designed to include a large share of elected officials and party officers as regular participants at the conventions, to a level of more than 20 percent. Specifically, the Commission recommends

A. changing state laws and party rules to assure that all delegates, no matter how they are chosen, would retain the option of exercising independent judgment in their convention vote;

B. including ex officio delegates—drawn from members of Congress, governors, and high party officials—who are not bound by the results of state delegate selection contests;

C. selecting in primary states, without enlarging existing delegations, a percentage of delegates chosen outside the primary process and not bound by its results.

### *III. Scheduling delegate selection contests*

The current sequential arrangement of primaries tends artificially to narrow the choice of candidates and to reduce the options not only for the delegates but for those who vote in primaries during the latter stages. In addition, it gives an unjustifiable degree of influence to those states (Iowa and New Hampshire) that hold their delegate selection contests well in advance of the others. In 1980, for example, the nomination decision had effectively been made before nearly one-fifth of the population went to the polls to choose their delegates in the June 3 primaries.

Combined with the above steps to reduce the number of primaries and to include more uncommitted delegates, changes in the scheduling of primaries would help to reduce the undesirable effects of the current arrangement. The objective is not to eliminate completely the existence of a sequence, for the sequence has the positive effects of allowing lesser-known candidates a reasonable chance and permitting the people and delegates to observe the candidates over a series of different contests. These benefits can, however, be maintained without creating the extensive problems of the current schedule.

In light of these considerations, the Commission recommends

A. that national parties enforce a strict time frame within which the primaries, caucuses, and "beauty contests" or straw polls may be held, beginning no earlier than the first week in March, and ending no later than the first week in June;

B. that national parties or Congress fix regional primary dates within this period, and define the regions according to time zones. For each election year the order of these primaries would be

established by lottery.

#### *IV. Campaign financing*

The most important objective of campaign finance rules is to avoid the possibility or appearance of corruption in the electoral process. The objective is largely achieved through reasonable limitations on campaign contributions and through effective procedures for reporting and disclosure. Other objectives, though not unworthy, need to be balanced against their potential harm to the political process.

Those who testified before the Commission were almost unanimous in thinking that the current rules are too inflexible; that they require candidates to spend too much time collecting small contributions; that they may contribute inadvertently to lengthening the active phase of the campaign; that they reduce volunteer participation; and that they increase the possibility that national political action committees which make independent expenditures may have an unwarranted influence in future campaigns.

To alleviate these problems, the Commission [with the exception of Congressman Frenzel who differs on (A) below] recommends that Congress

A. increase the limit on an individual's campaign contribution in presidential nominating campaigns from \$1,000 to \$5,000 (this figure should be adjusted automatically for every election year to take account of inflation);

B. abolish state-by-state limitations on campaign expenditures.

### **Conclusion**

The nominating process is an intensely political event, involving the contest of vital issues, the play of competing interests, and the struggle for a place among the nation's foremost political leaders. Changes in the formal provisions of the nominating system, no matter how well conceived, cannot guarantee satisfactory results. But a judicious set of rules and laws can avoid intensifying the difficulties inherent in the process and, at the same time, create decision-making procedures that encourage the exercise of sound political judgment. No more—but no less—should be demanded of this process.

Conditions today are more favorable for a resolution of the nominating problem than at any other time in recent history. The nation's political leaders appreciate the difficulties and desire to resolve them. No political issue so divides the nation that institutional questions cannot be considered on their own merits. Finally, experience gained from the reforms of the past decade has made legislators and party leaders more aware of the limits and possibilities of institutional change. Now is the time for intelligent action, and we urge all those who can assist to join the task of reform.

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\*The Executive Board of the Commission on the Presidential Nominating Process accepts full responsibility for the content of this report. While the Governors have given advice and made proposals, to which the Board has given the fullest consideration, the members of the Board are the sole authors of this report.