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# On To the Convention!

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The 2008 primary campaigns started earlier than ever before. The focus of the press, pundits, and academics was on how the candidates were going out early to gain support, to raise money, and to build momentum. At the start, and even by late summer (six months after most candidates announced their intentions to run), no commentators—or anyone—spoke or wrote about the rules regarding delegate selection or their implications for the campaign. This is not surprising, given that it has been 80 years since an election with no incumbent or early front-runner in either major party and that the last primary contest to make it to the convention undecided was the 1976 Republican race. Even more striking, there has not been a primary with multiple balloting at the convention since the 1952 Democratic contest. Nonetheless, because we noticed that both major parties had several strong candidates emerge early on, we wanted to see if the rules could help us predict the likelihood of going to the convention with the results undecided (which only occurs when no candidate has secured a majority of the available delegates—1,191 delegates on the Republican side and 2,025 delegates on the Democratic side). Simply getting hold of the data to answer this question was extremely difficult at that time. When we called states looking for their delegate selection plans in August, most party leaders that we spoke with told us that the plans had not been written yet, while several others were surprised that anyone was asking about them, and a handful did not know how their states apportioned their delegates at all. Everyone was happy to tell us how to become a delegate (beginning by filling out a form of intention), but few were able to tell us what that meant (are the delegates bound to the primary or caucus results and in what way?).

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Fast forward seven months and the possibility, at this writing (mid-February 2008), of reaching the convention without a nominee is nearly inevitable for the Democratic Party. How did we get here?<sup>1</sup> There are a number of good reasons, which we will review, why we have not seen in 30 years a primary election campaign go undecided until the convention. Is this year an anomaly? Or does it indicate that the party convention is still a relevant institution for determining the presidential candidate? And finally, does it even matter for the outcome if the race is decided before or at the convention? The upcoming Democratic National Convention will be a good test of whether the convention as a decision-making institution will ever be relevant.

### THE MODERN HISTORY OF THE PRIMARY CONVENTION

The late 1960s and early 1970s was a turning point for the primary process. Prior to 1968, the primary systems were rife with corruption and the delegate votes were not always reflective of the primary outcomes. Each state party had its own way of running its primary, and did so with little to no oversight. The 1968 Democratic convention itself was such a disaster (the candidate who won the nomination did not win a single primary) that the Democratic Party convened two commissions, the McGovern-Fraser Commission (1968) and the Mikulski Commission (1973), to revamp the system. The Commissions re-allocated the number of delegates that each state had, mandated that each state Democratic Party make the selection process more transparent, and forbade winner-take-all systems in favor of proportional systems. These three reforms sought to further democratize the electoral process by bringing it closer to the voters. Over the last 30 years, the number of bound delegates has grown and the delegate selection process has come to include public review and comment before each plan is finalized.

The commissions, media fanfare, and central party changes only took place in the Democratic Party. Nonetheless, the number of bound delegates has risen in the Republican Party in sync with the Democrats. Today, both parties send about 80 percent of their delegates to the convention bound and 20 percent unbound. Unlike the Democrats, the Republicans have committed themselves to allowing the states to decide whether and how to allocate their delegates to the candidates.

It is easy to see how some of these changes have furthered the decline of the convention vote. A candidate is declared a winner if he or she has secured

<sup>1</sup> For our earlier analysis, see <http://www.iserp.columbia.edu/news/articles/campaign.html>, last accessed 15 February 2008. For information on the voting and delegate selection rules discussed here, see either the Democratic Selection Rules (<http://www.democrats.org/page/-/pdf/DelegateSelectionRules.pdf>), the Republican Party's summary of each state's rules ([http://www.gop.com/images/Press\\_State\\_Summaries.pdf](http://www.gop.com/images/Press_State_Summaries.pdf)), or The Green Papers, an independent website with information on both parties' rules and more ([www.thegreenpapers.com](http://www.thegreenpapers.com)).

the majority of the total delegates. To end the race before the convention, a candidate needs to win a supermajority of the pledged delegates, roughly 63 percent, because the unpledged delegates cannot be counted on to vote a certain way. The higher the proportion of unpledged delegates to pledged delegates the higher this supermajority becomes. Back in 1968, only about half of the delegates were pledged, meaning that in lieu of the negotiating that took place in proverbial smoke-filled back rooms, every race would have gone to the convention undecided. In fact, more than one-third of all races since the beginning of the bound delegate have required multiple balloting. Since 1968, there have been none.

Also arriving after 1968 was the tsunami-like force known as “momentum.” Broadly speaking, momentum is the advantage an early win confers on later primaries. Momentum takes several forms: it can reinforce a candidate’s viability, it can change news coverage allocations, and it can attract voters who take social cues from general trends or who want to pick a winner. Momentum has transformed the early contests in Iowa and New Hampshire into national showcases. Even at this late point in this year’s contest, where well over half of the states have gone to the polls, the media are still talking about momentum. This said, we have reason to believe that the power of momentum has been blunted this year a little bit. This campaign is the earliest in history, and voters have been inundated with campaign information. The marginal value of new information about various wins can diminish over time. On top of this, the increase in the number of state primaries and caucuses held on a single day in early February—February 5<sup>th</sup> as “Super Tuesday” in this election—has eliminated any impact that the votes of any of these states could have had on one another, through momentum processes, if small numbers of states had held their contests in consecutive weeks rather than at the same time.

Momentum appears to work in opposition to the rules. If momentum is strong, the rules do not matter, but if momentum is weak, then the rules become critical. However, to fully understand when and how momentum is important, we need to understand the basics of the delegate selection institutions. Two very different systems have developed as a result of the divergent trajectories of reform in each party. The Democratic system is marked by central control and proportional voting. The number of delegates, the method of allocating pledged delegates to candidates, and the ways of selecting the individual delegates are all dictated by the central party. In marked contrast, the central Republican Party oversees only the number of delegates each state receives and leaves the rest up to the states themselves.

#### CENTRALIZED AND PROPORTIONAL: THE DEMOCRATIC DELEGATE SELECTION SYSTEM

Every Democratic primary contest, whether an election or caucus, has five types of delegates: district-level pledged delegates, at-large (state-level)

pledged delegates, pledged party leader delegates, unpledged party leader delegates, and unpledged add-on delegates. The first three types are bound to the primary vote or caucus totals. Any candidate that reaches a 15 percent threshold is allocated delegates proportionally to their win. The district-level delegates are distributed to candidates based on the district vote. The latter two groups of pledged delegates (the at-large and pledged party leader delegates) are allocated to the candidates on the basis of the state-wide vote. The two unpledged groups, unpledged party leaders and add-on delegates, by virtue of having an unpledged position, do not have to declare their presidential preferences until the balloting takes place at the convention.

With this basic understanding of the Democratic system, we can return to our original question: is there anything in the rules that would facilitate an early win? Again, a candidate only wins in advance of the convention if the difference between the delegate counts of the top two candidates is less than 20 percent. Naturally, the more candidates there are to share the delegates, the more likely it is that the difference between the top two is less than 20 percent. The Democratic delegate selection system allows for multiple candidates, certainly three or four, at any point (because the 15 percent threshold is not prohibitively high). The rules treat all states the same by requiring them to allocate their delegates in the same way and in proportion to the vote. Bigger states have more delegates to give, but they also contain more voters to court.

The rules have implications for momentum as well. Imagine a simplistic model in which the value of a state is a function of its available delegates, its momentum, and the cost associated with winning the state. Again, as noted above, the combined value of the available delegates and the cost associated with winning the state is roughly constant from state to state. Therefore, momentum in the Democratic primary system is critical. A state that will produce more momentum for a candidate has more value. This year, all of the major democratic candidates campaigned in all of the early states (except where they agreed not to campaign because of rules violations).

#### STATE AUTONOMY AND MULTIPLE SYSTEMS: THE REPUBLICAN DELEGATION SELECTION SYSTEM

The Republican Party's delegate selection system differs from the Democratic Party's in many critical ways. Their decentralized approach to delegate selection has led to a plethora of selection plans. Some states, including New Hampshire, allocate their delegates proportionally, similar to the Democrats. Other states, like New Jersey, give all of their delegates to the winner. Some states have introduced one-of-a-kind selection methods that fall somewhere in between proportional and winner-take-all systems. Arkansas gives one delegate to anyone who gets over 10 percent of the vote and either gives the rest to the candidate who gets over 50 percent of the vote (if there is one), or splits the rest among the front-runners if there is no majority winner. Louisiana gives

20 of its delegates to the winner if he or she gets more than 50 percent of the vote, or it otherwise sends the delegates to the convention unbound (the latter occurred in this election). As mentioned earlier, the proportion of bound to unbound delegates is roughly akin to the Democrats. However, while the Democratic Party distributes unbound delegates roughly evenly from state to state, some Republican state parties bind all of their delegates while others make all of their delegates unbound.

The general growth of the Republican primary system, still, contains some similarities to its Democratic counterpart. Over the last few decades, the state Republican Parties have slowly trended toward proportional and mixed systems, although the number of pure proportional states has not exceeded half. From 2000 to 2008, there was an aggregate change of only one additional state holding a proportional primary. However, while the relative numbers of proportional and winner-take-all states changed only slightly, the distribution of the delegate selection systems changed drastically. In that same time span, from 2000 to 2008, 13 states fundamentally changed their distribution system between a winner-take-all system, a proportional system, and a caucus system.

To understand why so many states have changed their delegate allocation methods from year to year, we need to look at the states' preferences. The delegate selection plans are not finalized until after the candidates have announced their intentions to run. Therefore, the states are able to set the rules based on which candidates appeal to their own interests. Those states looking to attract all of the candidates and the media that follow them tend to opt for proportional systems. Unsurprisingly, the two most-watched early states, New Hampshire and Iowa, both allocate delegates proportionally. On the other hand, if a state has regional ties to one candidate, it might try to give that candidate a leg up by going winner-take-all. All of the early states with local favorites (such as Utah for Mitt Romney, New York and New Jersey for Rudy Giuliani, Arkansas for Mike Huckabee, and Arizona for John McCain) have some form of winner-take-all delegate distribution system. The only states to switch from a proportional to a winner-take-all system from 2000 to 2008 were New Jersey and New York.\*

So what implications do the Republican Party's rules have for the race and how do these differ from the effects of the Democratic Party's rules? Political analysts have known for years that in contrast to the Democratic system, the Republican delegate allocation methods facilitate an early winner. Winner-take-all states (still amounting to half of the Republican states) magnify the front-runner's lead. Candidates who begin the race in a close third or fourth position may find it impossible to recover from getting shut out of these early contests. Two or more candidates can only be sustained if they have regionally based support.

\*New York in 2000 used a system in which voters selected the delegates themselves. Because presidential preference was listed with the delegates' names, this system was functionally proportional.

On the other hand, Republican races now have the opportunity to be more competitive than before. The fact that the campaign is well under way by the time states set their rules can allow states to favor certain candidates. This *de facto* promotes regionally based favoritism. Our caveat to the early finish predicted by the Republican delegate selection system is becoming ever more likely (we saw it this year between the states that favor mainstream candidates and those of the religious right). Therefore, we must pull back slightly on the claim that the Republican system will end in an early finish, even though we still think it is far more likely that Democratic primaries will go to the convention undecided.

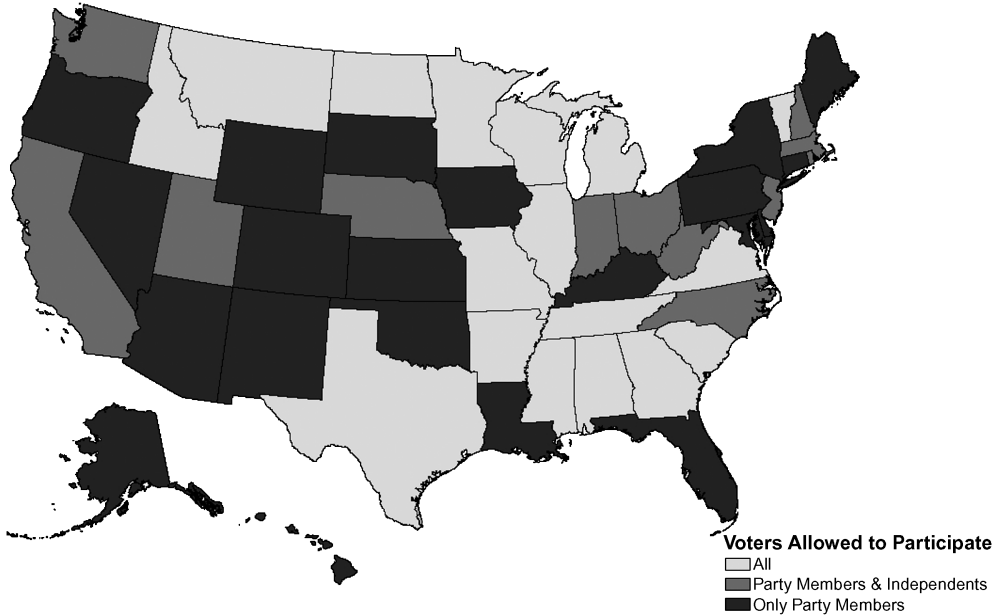
We can also compare the Republican and Democratic systems based upon the way that the rules interact with momentum. We argued above that momentum in the Democratic system is critical and that no state has a particular delegate advantage over another. This is not true in the Republican framework. Winner-take-all states, though more risky, are much more valuable. Republican candidates can thus weigh the delegate benefits of winning big winner-take-all states like New York with the momentum costs of losing early states like New Hampshire. A strategy based on this trade-off is by no means a surefire win; Giuliani attempted a late-state strategy this year, but the negative momentum, so to speak, from early losses was so damaging that it prohibited him from even reaching New York, New Jersey, and California.

#### INDEPENDENT VOTERS

Understanding Rudy Giuliani's mistakes in the Republican campaign leads to the final critical element of the primary rules—whether independents are permitted to participate. As a moderate candidate, Giuliani appealed to independent voters. Approximately three-fifths of the Republican races are open to independents, and two of these (New Hampshire and Michigan) held their contests right at the start of the race. Giuliani's decision not to compete vigorously in these races forfeited the independent votes to McCain. Had Giuliani competed earlier in New Hampshire or Michigan, he might have been able to ward off enough negative momentum to pull out a victory in Florida. In turn, winning Florida would have given him the boost needed to do well on Super Tuesday. In general, the favorites of independents should compete strongly in open contests, and party insider candidates should compete most strongly in the closed contests.

Just as we have looked at the impact of the Republican and Democratic delegate allocation methods on momentum, we can also look at policies toward independents in relation to momentum. Momentum is really a story about expectations. Bill Clinton's big win in New Hampshire in 1992 was a second-place finish. Hillary Clinton's win in New Hampshire this year gave her a huge momentum boost because she was expected to lose. Expectations are set without regard to the rules. Whether the next state allows independent voters has

FIGURE 1  
*Democratic Rules for Independent Participation*



Source: Data on independent participation: The Green Papers “Democratic Delegate Selection and Voter Eligibility,” <http://www.thegreenpapers.com/P08/D-DSVE.phtml>.

little impact on the expectations set by the previous state. However, the results are very much affected by who is allowed to participate. Closed primary states offer an advantage to party insider candidates, and open primary states work in the favor of more-moderate or outsider candidates. Several of the early states are open. Therefore, expectations for closed states are set largely based on results in places where independents are allowed to participate. This could bring about an inherent advantage for insider candidates who exceed expectations in later races, in part because of a difference in rules between the early and late states.

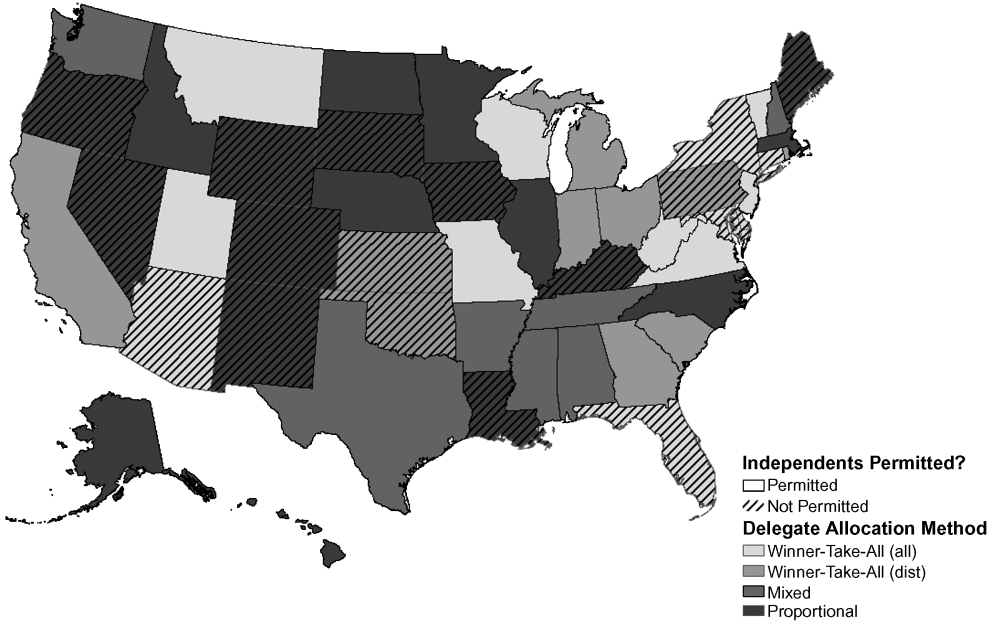
The two maps (Figures 1 and 2) show the different rules in each state. The Republican map overlays the delegate selection rules with policies toward independents. Since all Democratic states use the same proportional delegate selection method, the Democratic map only shows whether states permit independent voters.

### DOES THE CONVENTION MATTER?

This election tells us that the rules are important and cannot be ignored. They matter in giving one candidate an edge over the other and also in determining



FIGURE 2

*Republican Rules on Delegate Distribution and Independent Participation*

Source: Rules data: Personal conversations with party leaders, individual party rules, and the central party's summary of state rules, [http://www.gop.com/images/Press\\_State\\_Summaries.pdf](http://www.gop.com/images/Press_State_Summaries.pdf). Data on independent participation: The Green Papers "Republican Delegate Selection and Voter Eligibility," <http://www.thegreenpapers.com/P08/R-DSVE.phtml>.

the length of the primary and caucus campaigns. Another debate over the rules is brewing with respect to the Florida and Michigan delegates (313 in total), who are not being counted because the states scheduled their primaries too early. Hillary Clinton, who won handily in both states, wants them reinstated, but Barack Obama (whose name was not even on the Michigan ballot) maintains that doing so would be unfair. The Democratic Party has given each state the option of holding another contest, but this seems unlikely. For now, these two states' delegates will not count; the Clinton camp has one final recourse, an appeal to the credentials committee, but that option is still months away. This situation is problematic for the Democratic Party, because it does not want the nominee choice to depend on a bureaucratic decision made at the convention. In a similar vein, many Democrats do not want the "super delegates"—the ostensibly uncommitted set of party leaders—to determine the outcome either, a possibility that emerges when the nomination race reaches the convention undecided. Super delegates were not intended to follow the popular vote; they were created to bring independent judgments to the process. However, we must remember that the principle reason that the elec-

torally consequential convention became so rare over the past 30 years is that a push for popular democracy put the power in the hands of the voters, all of whom decide before the convention. This year presents an entirely new situation and will be the first time since the democratization of the primary that the super delegates will be asked to vote decisively. We expect that the same norms of popular democracy that drove these reforms will put enormous pressure on the Democratic delegates to vote in accordance with either the outcomes of their state contests or the winner of the final tally up to the convention. Although a number of Democratic uncommitted delegates have already endorsed either Barack Obama or Hillary Clinton, we would be surprised if the super delegates on the whole do not support the leader in committed delegates and reverse the outcome. It therefore remains unclear whether arriving at the convention with the results undecided matters if the super delegates simply rubber-stamp the results of the primaries and caucuses. Should the parties get rid of the super delegates? The answer remains unclear. The purpose of the convention today has changed; it is less a deciding mechanism and more a chance to rally around the nominee and showcase upcoming stars. The presidential nomination process has never been a fully democratic process, though it has become more democratic over time. Eliminating the super delegates would be another step in this direction, but a more democratic process may not be what the parties are looking for.\*

\* Jason Bello began work on this study as an Undergraduate Fellow at Columbia's Institute for Social Economic Research and Policy (ISERP), working with Robert Shapiro's public opinion research group. The authors thank ISERP for its support.