



Guide to the

1996

**Presidential
Election**

Michael L. Goldstein

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Guide to the 1996 Presidential Election

*For Andy Goldstein, age nine,
who continues to weigh his options*

Preface

Although dramatic change in the presidential selection process may make for good reading, it does not necessarily make for easy writing. Given the rapid dissolution of the old electoral order, much of the 1992 version of this volume was outdated. Fashioning a new edition, however, was a major challenge because the framework of a new presidential selection process is unclear. I have tried to meet this challenge by writing a substantially new book focusing on a system that is in flux and that is moving rapidly away from a central role for the two major parties. I have also sought to maintain the original purpose of this book: to encourage and facilitate citizens' interest and participation in this process.

The *Guide to the 1996 Presidential Election* is a road map for understanding contemporary political change in the United States. It provides a new array of resources for this political journey, including references to Internet sites containing data on the presidential selection process. Like the previous volumes, this edition contains numerous charts and exercises as well as profiles of both major party and independent candidates who may play a role in the 1996 election.

This book would not have been possible without the help and support of many individuals. Dan Taylor helped locate appropriate Internet sites, Jason Linder provided invaluable computer assistance, and Ira Allen

assisted in conceptualizing and writing the candidate profiles. Mark Bilsky and Rick Boylan at the Democratic National Committee, Michael Hess at the Republican National Committee, and Mike Dickerson of the public records office at the Federal Election Commission all graciously gave hours of their time in helping me understand the intricacies of contemporary party and FEC rules and regulations. Jeanne Ferris and Laura Carter of Congressional Quarterly patiently endured my constant efforts to turn a small book into a big one.

In all projects such as this, a few individuals take on special importance in providing inspiration and support, and they deserve special mention. Jack Pitney, my colleague at Claremont McKenna College, again served as an eager fount of information on virtually every aspect of the presidential selection process. Ron Elving, political editor at Congressional Quarterly, made delegate selection data available to me, even though doing so clearly complicated his busy schedule. Last but certainly not least, I want to express my deep appreciation to Susan Bales and Andy Goldstein, who tolerated the tremendous expense in time and energy that writing this book took from our family.

While I am grateful to all those whose efforts were turned to this undertaking, any errors or omissions are my own.



A moving van from Little Rock, Arkansas, parks in front of the White House January 20, 1993, as former Arkansas governor, now president, Bill Clinton moves in. Clinton was sworn in that day as the forty-second president of the United States.

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The Changing Political Context

The United States has weathered a variety of social, economic, and political changes during its first two centuries that have influenced the way Americans select their chief executive. Virtually every aspect of the presidential selection process—from who votes to who is elected—has undergone a dramatic transformation.

In the late eighteenth century, the United States was newly formed, and many aspects of its political process, including presidential selection, reflected the imperatives of nation building. A small propertied elite that had led the revolt against England established a presidential selection process limited to participation by white propertied males. The process allowed its participants to manage conflict in an expansive new nation by giving them the power to select the top leadership without interference from the majority of Americans.

Suffrage was limited. African Americans were provided few rights of citizenship in most areas, and women were denied the vote in federal elections and generally in state and local elections as well. In most states, there were additional requirements restricting suffrage to white males who held property of a certain value or paid taxes of a certain amount. Only about 6 percent of the young nation's adult population in 1789 voted for presidential electors who chose George Washington, and no more than approximately 15 percent of all Americans

twenty-one years of age and over were considered qualified to vote in the first presidential elections.

Both those who were nominated and those who were elected in this early period accurately reflected the relatively closed nature of the presidential selection process. The first six presidents were members of prominent, upper-class families. Of the twenty-four candidates who received electoral votes in any of the first eight presidential elections, a majority were prominent political figures who had played a role in the American Revolution. Sixty-three percent had attended one of the Continental Congresses.

Much has changed in the presidential selection process since that time. Presidential candidates from the two major parties now are selected at national nominating conventions. Delegates to these conventions are either appointed by the political party or selected by voters in party primaries or caucuses. Other presidential candidates secure a spot on the general election ballot by direct nomination by local voters. The potential electorate is made up of virtually all citizens eighteen years of age or older—approximately 194 million Americans in November 1994.

The presidential candidates themselves, and their methods for reaching voters, have also changed (see Tables 1-1 and 1-2). Contemporary candidates include the humble, the once humble, and the always wealthy. To campaign

among the ever-growing electorate, all are required to spend rapidly escalating sums over increasingly lengthy campaigns. These costs amounted to \$550 million for all presidential candidates in 1992, compared with \$500 million in 1988, \$325 million in 1984, \$275 million in 1980, \$160 million in 1976, and \$138 million in 1972. Although 1992 campaign costs were actually less in actual dollars than in 1988 because of the campaign's late start, the overall rate of increase over the last two decades far outstrips both the rising consumer price index and the increase in the number of voters (see Table 1-3).

All that remains of the original presidential selection process is the electoral college. As constitutionally established and as it functions today, the electoral college is the body that actually elects the president. While the names of electors have been removed from all but a handful of ballots, voters in the 1996 presidential election will still be casting their votes for slates of electors pledged to a presidential candidate. Two hundred years ago, electors were chosen by state legislatures or by those limited few who qualified to vote. The framers of the Constitution gave the members of the electoral college considerable leeway in making their selections. Although electors rarely do so, they still may exercise their individual choice for president irrespective of the popular vote. Since 1948 seven members of the electoral college have acted in this fashion and become "faithless electors."

Presidential Selection Methods

Although the contemporary presidential selection process is clearly distinct from the process that existed in the late eighteenth and early nineteenth centuries, the transformation was neither rapid nor direct. Furthermore, the change in this process is ongoing.

The Constitutional Plan

At least four distinct methods of presidential selection can be identified since the first

presidential election in 1789. The first method focused upon the electoral college as a deliberative body. States decided how their representatives to the electoral college were to be selected and were apportioned electors equal to their combined total of senators and representatives (a rule that continues today). Each elector would cast two votes to be divided between two candidates. The deliberations of the college resulted in the selection of a president (the individual receiving the most votes) and a vice president (the individual receiving the second largest vote). In case of a tie or if no candidate received a number of votes equal to a majority of the number of electors, the House of Representatives selected a president from among the top five candidates or from the top two candidates who tied.

By 1804 this original constitutional plan had been amended. The 1800 election produced a tie electoral vote, caused by confusion over who was a presidential candidate and who was a vice presidential candidate. The House ultimately selected Thomas Jefferson as president on February 17, 1801. The election prompted adoption of the Twelfth Amendment to the Constitution, which reduced the number of votes that each elector cast to one and formally established the practice of a president and vice president running together on a slate. If no candidate received the votes of a majority of electors, the House would select a president from among the top three candidates.

The Congressional Caucuses

The Twelfth Amendment codified a second presidential selection process that had begun in practice as early as 1800. By that year, members of Congress who identified with particular political parties were meeting in caucuses to nominate their party's presidential and vice presidential candidates. Meanwhile, state party leaders were nominating slates of electors pledged to those candidates. By 1824 qualified voters in eighteen of twenty-four states were voting directly for competing slates of electors.

The congressional caucus system of presidential selection, however, worked well only as long as interparty competition demanded intraparty discipline to nominate candidates and to carry on a campaign. With the demise of the Federalist Party by 1816, intraparty competition within the Democratic-Republican Party threatened the caucus system. In 1824 the Democratic-Republican congressional caucus, attended by a minority of the party's congressional delegation, nominated one candidate, while dissenting Democratic-Republicans nominated three other candidates through state legislatures or mass meetings. When none of the candidates received a majority in the electoral college, the House selected the president. The caucus system, already under attack for at least a decade, was thoroughly discredited. By 1840 all major political parties were holding national nominating conventions to select their presidential candidates.

The National Nominating Conventions

The rise of this third electoral method—national nominating conventions—was associated both with improved means of transportation and with the rapid democratization of the presidential selection process. Improvements in transportation, which enabled more citizens to attend the conventions, moved at lightning speed: In only one year, a trip from New York to Philadelphia was reduced from half a day by steamboat and rail to two hours by rail alone. Concurrently, the decline in voting restrictions for white males and the rise of citizen participation in the selection of presidential electors swelled the ranks of voters. In the election of 1824, the last presidential election in which a congressional caucus selected at least one of the candidates, the popular vote for president totaled less than 400,000. In the election of 1840, the first in which all major parties nominated their candidates at a national convention, the total popular vote topped 2.4 million (see Table 1-4). By 1848 all but one state selected presidential electors on the same day, reflecting both the increased popular and national

dimensions of the election. In general, these changes suggest the rapid transformation in the first half of the nineteenth century of the presidential selection process from a measured debate among sequestered elites to what one of the chants of the new popular politics identified as the “great commotion.”

The national nominating convention remains a key feature of the political landscape. At national nominating conventions in Chicago and San Diego, the Democratic and Republican parties, respectively, will select their 1996 standard-bearers. However, the convention system that was established by the election of 1840 differs from later conventions in several respects.

First, all delegates to the early national nominating conventions were chosen directly by party leaders or at party gatherings. Most delegates to the Democratic and Republican conventions were selected by a state convention or by congressional district conventions, or both. Delegate selection, with few exceptions, was a matter left to the states or to state parties.

Second, for much of the nineteenth century, the formula for state representation at the conventions was fixed. From 1852 on, delegate representation at the Democratic convention was limited to twice the number of the state's senators and representatives. In 1860 Republicans adopted a comparable rule for state representation at their conventions. Irrespective of the strength of the party in a particular state, convention representation was set at four delegates at-large plus two delegates for each congressional district.

The control of delegate selection by party leaders in the early convention years made it difficult, if not counterproductive, for presidential aspirants to make appeals directly to delegates or to party rank and file. Indeed, until the initial convention system was altered beginning in 1904, the sole focus of presidential aspirants and the public was upon balloting at the convention. In a majority of cases where no incumbent was running, more than one ballot was needed to nominate a candidate.

Finally, beginning at their first national convention in 1832, Democrats established that two-thirds of all delegate votes be required for nomination. This rule essentially made party unity a precondition for nomination and gave minority factions within the party substantial veto power in the nominating process.

The Modified Convention System

The assault upon party dominance by progressives and the split Republican convention of 1912 (which led to an unsuccessful third-party candidacy by former president Theodore Roosevelt) were the catalysts to major changes in the presidential nominating conventions of the two major parties. They resulted in a fourth method of presidential selection—the modified convention system. Attempting to lessen the influence of party leaders upon the presidential selection process, progressives established a direct means for citizens to select delegates to the national convention or to express preferences for presidential aspirants: the presidential primary. By 1916 at least twenty states were holding presidential primaries, establishing this method of delegate selection as a regular feature of the political landscape.

The 1912 Republican convention also brought the issue of apportionment of delegates to a head. Delegates from southern states with few Republican voters had wielded considerable influence in the renomination of President William H. Taft. In the presidential election of 1908, the Democrats had won all ten southern states. In six of these states the Republican popular vote had been less than 30 percent of the total vote cast. Yet, at the 1912 Republican convention, the ten southern states had 228 delegate votes, more than 21 percent of the total delegate votes. Virtually all of these southern delegates voted for the renomination of Taft. For the 1916 party convention, Republicans put into effect a new arrangement that gave some recognition to local party strength in the apportionment of delegates. The Democrats followed with comparable rules beginning in 1944. This change was fueled in part by efforts of South-

ern Democrats to recoup influence lost when the two-thirds nominating rule was replaced by a simple majority in 1940.

Although the modifications in the presidential nominating conventions did not remove party leaders altogether from participation in the selection of nominees, they did open up alternative paths to nomination and bolstered the role of both the party rank and file and the public in the nomination process. One such alternative route involved gaining access to the media. Candidates who received attention from the print media and from the rapidly developing electronic media, especially television, could translate this coverage into primary votes and ultimately the nomination. For example, presidential candidate Wendell Willkie's close connections with two national periodicals (*Look* and *Fortune*) and Tennessee senator Estes Kefauver's extensive television coverage as chairman of the Senate Organized Crime Investigating Committee bolstered serious challenges to Republican and Democratic party leaders in 1940 and 1952, respectively.

A New Presidential Selection System?

Reform in delegate selection procedures and ongoing changes in the media have substantially altered the modified convention system. The role of third-party and independent presidential candidates has increased dramatically. Some observers say post-1968 changes have resulted in an entirely new presidential selection system.

The 1968 Democratic convention triggered a wave of internal party reforms related to the presidential selection process. In that year the Democrats nominated as their presidential candidate Vice President Hubert H. Humphrey. Humphrey had not formally entered a single primary because President Lyndon B. Johnson had been in the running. Johnson, however, withdrew unexpectedly from the campaign after the New Hampshire primary. Despite his absence from the primaries, Humphrey nonetheless received 67 percent of the total delegate votes at the convention. As a result, dis-

gruntled Democrats who opposed Humphrey and disagreed with party leadership over a wide variety of domestic and foreign policy issues pushed for sweeping changes in the delegate selection process.

The product of this dissatisfaction was the McGovern-Fraser Commission report on delegate selection, which was adopted by the Democratic National Committee in 1971. Changes included abolishing the "unit rule," by which states could require their convention delegation to agree upon one candidate who would receive all of the delegation's votes; requiring the delegate selection process to occur the same year as the election; limiting the selection of delegates by state party committees; selecting at least 75 percent of a state's delegates at the congressional district level or below; and requiring affirmative efforts by each state to increase the delegate representation of minorities and women.

Additionally, the national Democratic Party adopted a charter in 1974 that significantly strengthened its power, at the expense of state party influence, to enforce the recent changes and other delegate selection procedures. Further Democratic rule making in 1976 banned winner-take-all and open primaries and mandated that delegates in each state be divided among candidates in proportion to the votes they received in Democratic caucuses or primaries. Finally, in 1980 the national Democratic Party adopted rules requiring all delegations to be equally divided among men and women and stipulating that all delegates selected through primaries or caucuses be officially pledged to a presidential candidate (or officially uncommitted) and bound for one convention ballot to that preference.

These changes produced a fundamentally new type of nominating convention marked by considerable rank and file influence in the Democratic delegate selection process and virtually no control over the process by party leaders or elected officials. Presidential primaries proliferated under the new rules, and party caucuses became more open to mass participation.

The immediate result was the selection in 1972 and 1976 of two "outsiders," South Dakota senator George McGovern and former Georgia governor Jimmy Carter. Neither would have been likely choices of conventions dominated by party leaders.

One unforeseen consequence of the new Democratic party rules was that they produced nominees who were either unelectable or, if elected, could not govern. In the first three general elections after the adoption of the new rules, Democratic nominees garnered an average of only 43 percent of the total vote and the Democrats' only successful candidate during this period, Jimmy Carter, struggled as president with the legislative wing of his own party. This problem, critics argued, was a product of the exclusion of important elements of the party from the nominating convention. For example, only 14 percent of Democratic senators and 15 percent of Democratic representatives participated as voting delegates at the 1980 Democratic convention, while a dozen years earlier, under the previous rules, 68 percent of the Democratic senators and 39 percent of Democratic representatives had participated as delegates.

A related complaint held that the proliferation of primaries forced candidates to start early and to compete for mass support in each state. This situation not only made winning the nomination an expensive exercise in political survival, but also opened up an increasingly public process to media scrutiny. In this regard, the party was losing control over its own deliberations as the media began to play a major role in the winnowing of candidates. The influence of party leaders in the selection of a nominee was thereby even further diminished.

Fueled by these complaints and a succession of defeated nominees, the Democratic party moved in the 1980s to balance earlier reforms with efforts to provide the national nominating convention more freedom from rank and file directives. By 1992 a new balance had been established. Substantial elements of earlier reforms remained, including a requirement that

all delegations be equally divided between men and women and a ban on all winner-take-all or bonus schemes in the allocation of delegates. The Democratic rule makers additionally maintained a strict time frame for all delegate selection events. Democrats also moved away from earlier reforms, however, by facilitating the participation of party leaders and elected officials in the nominating convention. This was done by creating two new categories of delegates. The first included party and elected officials who would attend the convention by virtue of their elected or appointed positions. These delegates would be pledged to presidential candidates according to the caucus or primary votes of their respective states. The second category, primarily governors and members of Congress and the Democratic National Committee, would also be guaranteed delegate slots but would be officially unpledged. Finally, Democratic rule makers attempted to increase the deliberative potential of conventions by not binding delegates to vote for their original presidential preference on the first or any subsequent convention ballot. The election of Bill Clinton, the Democrats' first successful candidate in sixteen years, temporarily put to rest decades of internal party squabbles over delegate selection rules. As a result, delegate selection in 1996 will take place under rules that have the least number of changes in almost two decades.

The Republican Party has retained a much more federated structure than the Democratic Party and has never formally adopted delegate selection rules that are binding upon state parties. Nonetheless, changes in the Democratic rules have had an impact upon Republican procedures. Most importantly, Democratic-controlled state legislatures have often required Republicans as well as Democrats to conform to new delegate selection procedures. A case in point is the southern regional primary ("Super Tuesday") created in 1988. Initiated by Democratic-controlled state legislatures in order to bolster the chances of moderate Democratic presidential candidates, the new schedule of earlier primaries and caucuses throughout the region also applied to Republicans. Only after

they made substantial gains in state legislative races in November 1994 did Republicans regain the ability to control their own delegate selection procedures.

Despite a reluctance to mandate these procedures, Republicans have also been affected by the spirit of changes within the Democratic Party. Since 1964 at least three reform commissions have made suggestions on how the party's base could be broadened and the delegate selection process opened to new groups.

Third-party or independent presidential candidates also play an increasingly prominent role in the current presidential selection process. The vote for third-party candidates totaled almost 20 percent in 1992; even more votes are possible in 1996. As in the 1820s, when the old congressional caucus nominating system was in disrepair but not yet replaced by party nominating conventions, some presidential candidates are now nominated directly by supporters at the state level. In this regard, nomination at a major party convention is currently only one route to the general election ballot and potentially to the presidency.

The continuing changes in the presidential selection process have been fueled not only by the increasing democratization of American politics but also by technological change. The development of rail transportation, improved roads, popular newspapers, and the telegraph made national nominating conventions and national presidential elections possible. Similarly, the development of mass advertising, first through an independent press and later through radio and television, weakened the ability of political parties to monopolize political communication with voters. In this regard, this latest round of technological change is associated with the decline in support for the two major parties, the rise of candidate- rather than party-oriented campaigns, and the increasing ability of third-party or independent presidential candidates to communicate directly with voters.

With the aid of new and sophisticated technology, presidential candidates today communicate with an increasing number of Amer-

icans. Not only can candidates reach mass audiences through radio and television, but they can target their appeals to smaller and more select populations through direct mail, videotape technology, and the Internet. No less important, however, has been the impact of several decades of technological innovation on the costs of presidential campaigns. Although radio and television are an effective means of communicating with voters in an age of weak parties, they are also expensive. The new communications technology of the 1990s will also substantially boost campaign costs.

The overall result of these changes is that increasingly lengthy presidential campaigns, often beginning years before the election, cannot be won without millions of dollars. Despite

campaign finance reform designed to level the financial playing field, the Republican and Democratic candidates who have raised the most money have received their party's nomination in every election but one since 1976. Lack of the requisite millions eliminated several prominent Republican candidates by early 1995—more than a year before the first caucus or primary vote would be cast in the election of 1996. The irony of the two-centuries-long democratization of the presidential selection process is that the increasing participation of Americans in that process, made possible because of a new and sophisticated communications technology, has made the resources of the wealthy and powerful only more indispensable.