

2008 Democratic Presidential Preference Election

Primary versus Caucus: How millions of voters were systemically disenfranchised and election results were skewed

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Conclusion

While the US General Election has a fairly uniform Primary-style voting system nationwide, the Democratic Presidential Preference Election had two largely different systems, ie, the primary and the caucus. In the 2008 election cycle those systems produced two starkly disparate assessments of voter preference for the Democratic nominee. This research focuses on how the caucus system suppresses voter participation, distorts overall election results and has a grossly disproportionate impact on selecting the Democratic nominee.

A snapshot of primary versus caucus elections will help readers understand the differences between the two systems.

Comparison: Primary vs. Caucus		
General Considerations:	Primary	Caucus
Funding & administrative authority	State-run & financed	Party-run & financed
Governed by federal & state voting laws	yes	limited
HAVA compliant	yes	limited
ADA compliant - accessibility issues addressed	yes	limited - accessibility varies by state & caucus site
Assistance with language barrier	Generally, English & Spanish; other langs vary by state	limited
Election day physical attendance required	no	yes
Early / Absentee mail-in ballots; Surrogate Affidavits	yes	no - few exceptions
Transparency of process, auditable results	yes	generally no
Officially Certified & timely election results	yes	generally no
Voter ID required	yes	often no
Secret Ballot - Privacy of voting	yes	no

Primary elections are State-run and financed and therefore must comply with multiple Federal & State-specific laws regulating the entire election process. There's transparency in the system, more planning, organization & oversight in each phase, training of personnel and volunteers, clear lines of authority and accountability, auditable records and certified results. Primaries must be compliant with Section 504, the Americans with Disabilities Act (ADA) and the Help America Vote Act (HAVA). Primary states often offer assistance with the language barrier [at least Spanish] through bilingual ballots, printed materials and with help at polling places. Physical attendance is not mandatory on Election Day and alternatives such as Early/Absentee mail-in ballots are available. Usually, a voter ID card or other ID is required even to secure a mail-in ballot and normally at the polling site to prevent any fraud. Primaries are better designed to deal with large voter turnout and encourage higher participation via ease of process and alternatives to in-person voting.

In caucuses, the focus is on party-building and encouraging community residents to discuss political issues, the candidates & party platform and on building consensus around selecting a candidate to address community needs. A voter who supports a minority candidate [one with less than 15% support] can realign with another candidate. In a primary, there is no second choice. Further, caucus-goers can stay involved in the political process by working through the county and state conventions and possibly attend the national convention. So, on the positive side, caucuses can be grassroots democracy at its best.

On the flip side, caucus elections are Party-run and financed and are not as regulated, transparent or accountable as primaries. Federal and state voting laws as well as Section 504, the ADA and HAVA do not have the same force of compliance since caucuses do not receive federal or state money to conduct the elections. Thereby, Equal Access to caucus sites and ballots are not as strictly followed as in primary states and disabled voters can be essentially locked-out. Further, physical attendance on caucus day is required and few alternatives or exceptions are permitted. Again, this "exact time and place" restriction filters out many would-be voters. Perhaps most troubling about caucuses is the lack of training for volunteers, the lack of uniformity in following the rules of procedure, lack of oversight and accountability in vote counting & reporting and the lack of audit trail for the results. These system deficiencies leave caucuses open to irregularities and outright fraud.

So while caucuses can nurture and support the democratic process and the franchise [right to vote] the flip side is that since they are Party-sponsored and often under-funded, they are basically democracy on the cheap, suppress voter participation, are often rife with irregularities, do not submit certified vote counts and can represent entrenched party-power in direct opposition to the will of state voters who prefer the primary system.

Caucuses Result in Massive Voter Suppression

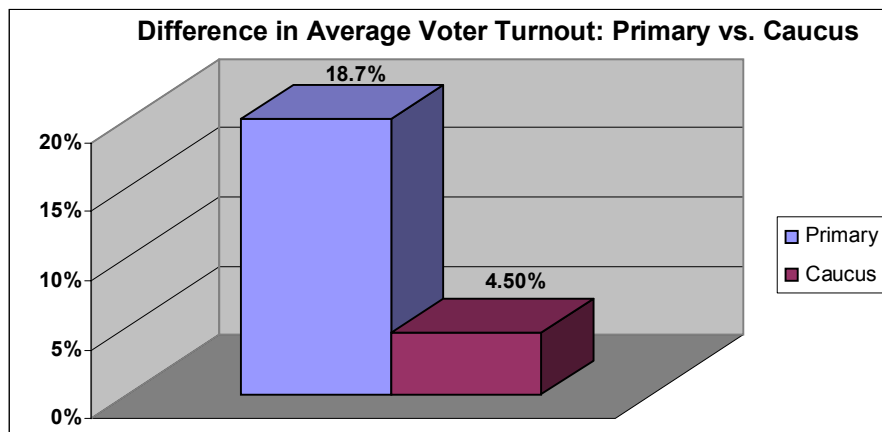
The 13 caucus states have roughly 3.2 Million voting-age people with disabilities. Neither the ADA nor HAVA cover full caucus-related accessibility issues & equal access to the ballot. According to the [National Disability Rights Network](#), the courts have generally ruled that the “Parties” [Democratic and Republican] have the right to determine how their candidates are chosen so there is limited legal recourse to force the parties to comply with accessibility standards for caucuses. Furthermore, most caucus states do not offer alternative voting options such as Early or Absentee Ballots which would increase voter participation and compensate for lack of accessibility.

People with Disabilities: Caucus States			
2004 Census	16 to 64 years (000)	65 years & over (000)	Total: 16 to 64 & 65-plus
Alaska	57	19	76,000
Colorado	292	153	44,000
Hawaii	73	61	134,000
Idaho	111	69	180,000
Iowa	190	158	348,000
Kansas	196	125	321,000
Maine	128	67	195,000
Minnesota	310	193	503,000
Nebraska	125	83	208,000
Nevada	151	85	236,000
North Dakota	43	31	74,000
Washington	507	262	769,000
Wyoming	43	22	65,000
	Total		3,153,000

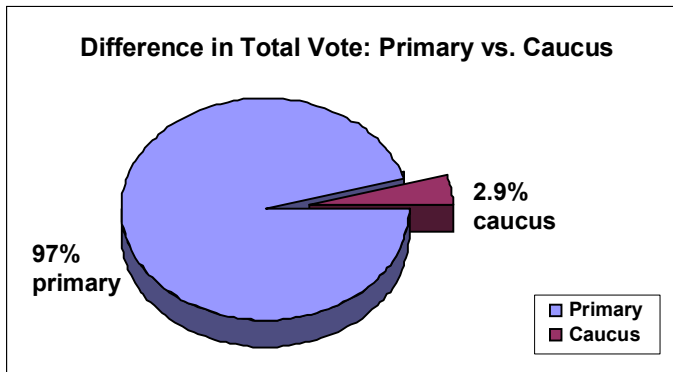
Moreover, caucus-goers must show up at an exact date, time and place, regardless of work schedule, military status, health issues, available/accessible transportation and other factors. All who can not attend forfeit their right to vote. Further, caucuses require English proficiency beyond workaday experiences, ie, political lingo is not part of the everyday norm. The result is extensive voter suppression that disproportionately impacts certain groups of would-be voters:

- Elderly / hospitalized / ill health
- Military overseas / out-of-state on assignment or any voter out of town
- Voters with kids – especially small children – who can’t get or afford a babysitter
- Workers who can not get time off work, or who can’t afford the time off
- Citizens with limited English proficiency [estimated at 8 to 10 Million voters nationwide]
- People who cannot caucus on a set day because of the dictates of their faith (EX: Sat. caucus and Orthodox Jews)

Inadequate accessibility, fluency issues and the “exact time and place” requirements lower voter participation in caucus elections. In 2008, the primary elections averaged 400% greater voter turnout in eligible voters than caucuses.



The sizable difference in voter participation between primary and caucus states was even more startling when viewed as a comparison of total votes cast. Of the 35.9 million popular votes in the 2008 Democratic Primaries, caucus voters collectively cast only 2.9% of the total or 1.1 million votes. In perspective, voters in the New Jersey primary alone cast 58,000 more votes than cast in all 13 caucus states combined. Further, Senator Obama drew nearly 1.1 million votes in 5 states and Senator Clinton won 5 states with more than the 1.1 million cumulative caucus votes.



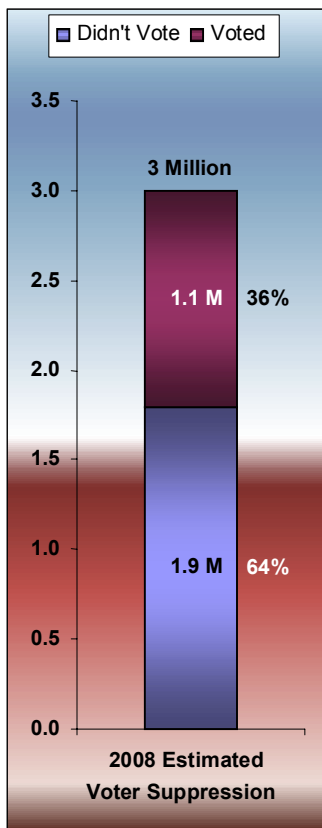
2008 Popular Vote: Primary vs. Caucus		
	Votes	%
39 Primary states ¹	34,829,191	97.0%
13 Caucus States + TX	1,057,136	2.9%
Total ²	35,915,768	100.0%

¹ Includes FL & MI
² Incl. 29,441 Votes Abroad

Estimated Voter Suppression in 2008 Caucuses

If there weren't such stringent restrictions that filtered-out so many would-be voters from caucusing, how many would have participated? And, how would those unheard voices have voted?

In aggregate, the 13 caucus states have 23.2 million eligible voters. The average Democratic voter turnout in 2008 caucuses was 4.5% versus 18.7% in primaries. So, if caucus turnout was similar to all primaries roughly 4.3 million Dems would have voted. However, that estimate would ignore the "filtering effect" of the caucus requirements and the fact that 6 caucus states have not voted Democratic since 1964 – AK, ID, KS, NE, ND & WY – and two additional states CO & NV have had relatively weak Dem support since 1964 compared to "blue" caucus states such as HI, IA, ME, MN and WA.



2008 Caucuses: Estimated Voter Suppression						
Caucus States	Eligible Voters ¹	% Dem Turnout Caucuses	2008 Caucus Attendees	Would-be Caucus Attendees ²	Estimated Voter Suppression ³	Kerry's Vote 2004
Alaska	476,744	1.86%	8,868	43,851	34,983	111,000
Idaho	1,028,790	2.00%	20,535	94,628	74,093	181,000
Kansas	1,990,002	1.84%	36,634	183,040	146,406	434,000
Nebraska	1,269,738	3.04%	38,571	116,791	78,220	254,000
North Dakota	485,606	3.82%	18,573	44,666	26,093	111,000
Wyoming	392,533	2.21%	8,689	36,105	27,416	70,000
Colorado	3,402,196	3.50%	118,952	428,677	309,725	1,001,000
Nevada	1,703,913	6.62%	112,766	214,693	101,927	397,000
Hawaii	930,634	4.00%	37,182	134,942	97,760	231,000
Iowa	2,171,355	11.05%	160,369	314,846	154,477	741,000
Maine	1,035,982	4.23%	43,590	150,217	106,627	396,000
Minnesota	3,712,351	5.69%	211,103	538,291	327,188	1,445,000
Washington	4,614,253	5.42%	241,305	669,067	427,762	1,510,000
Subtotal	23,214,097	4.50%	1,057,136	2,969,814	1,912,677	6,882,000
TX caucus	15,011,648	TBD*	TBD	1,891,468	TBD	
Total	38,225,745			4,861,282	TBD	

¹ Eligible Voters data: Dr. Michael McDonald, George Mason University. * TBD = To Be Determined
² Would-be Caucus Attendees: Total estimated caucus voters at 63% of Kerry's vote multiplied by 3-tier reduction factor
³ Estimated Voter Suppression: Difference between "2008 Caucus Attendees" and "Would-be Caucus Attendees"

So, in order to present a conservative estimate of voter suppression, a percentage of Kerry's votes were used. The 3-tier reduction factor used [instead of the 18.7% average primary turnout] was 9.2% of Eligible Voters [VEP] for the 6 states [AK, ID, KS, NE, ND & WY], 12.6% of VEP for CO & NV & TX and 14.5% of VEP for the remainder.

By extremely conservative estimate, 64% of would-be voters did not participate in the caucuses. If the caucus system were more inclusive, how would those 1.9 million citizens have voted if they had been given the chance? And, how would their votes have impacted the overall election results?

Comparison of 2008 Election Results: States with Primary and Caucus

Certainly, the four states that held both a caucus and primary election in the 2008 Democratic race gave a glimpse of the vast difference in voter turnout and preference for Democratic nominee based on the election system used.

Example 1: On February 9, Washington held its statewide caucus and an estimated 245,000 caucus-goers – 5.3% of eligible voters – chose Obama over Clinton by 67.5% to 31.2%, a whopping 36-point margin. Ten days later, WA held a primary attended by 691,381 [15% of eligible voters, ie, almost 3 times the caucus turnout] and Obama won by 51.2% to 45.7%. [Citizens of WA voted-in a State-run Primary. However, the Party-run caucus results are still the legal results.]

Washington allocated its 78 pledged delegates at a ratio of 2:1 [67% to 33%] and Obama got 52 versus Clinton's 26. He gained 26 delegates. If the pledged delegates had been allocated according to the primary results, Obama would have won roughly 41 delegates compared to Clinton's 37. He would have gained only 4 delegates. Bottom line: The caucus vs. primary election benefited Obama by a net 22 delegates – 18.3% of the 120 pledged delegates that separated the two.

Example 2: Texas held a primary & caucus on March 4 and once again widely different results were recorded. Over 2.8 million Texans voted in the primary and gave Clinton a 100,000 vote margin over Obama, a 52% to 48% win. However, just hours later, the Texas caucus registered an Obama win over Clinton of 56% to 44% [with 41% of the precincts reporting, total caucus participation has not been released]. Allocation of the 126 primary pledged delegates were Clinton 65 and Obama 61. Allocation of the 67 caucus pledged delegates were Obama 38 and Clinton 29. Bottom line: Obama actually won 5 more pledged delegates than Clinton in Texas. If all 193 pledged delegates were allocated based on the 2.8 million votes cast, Clinton would have received 100 versus 93 for Obama.

Example 3: On February 9, Nebraska held a caucus and only 3.04% of the 1.3 million eligible voters participated. Those 38,571 caucus-goers chose Obama over Clinton 68% to 32% and he won 16 of the 24 pledged delegates. In stark contrast, on May 13th, Nebraska held a primary where nearly 94,000 voters [7.5% of eligible voters] chose Obama by 49.4% to 46.6% – only 2.8% instead of the 36% vote-spread recorded in the caucus. If delegates were allocated on the results of the primary instead of the caucus, Obama and Clinton would have received 12 pledged delegates each. Bottom line: Obama's 13,700 vote victory in the red-state Nebraska caucus netted him 8 pledged delegates. Compare that to Clinton's 204,000 vote victory in the battleground state of Ohio which netted her only 9 pledged delegates.

Example 4: On February 5, Idaho held a caucus attended by just 2% of its 1,029,000 eligible voters, only 20,535 people caucused. Once again, Obama prevailed with a 79% to 17% landslide victory over Clinton. He was awarded 15 of the 18 pledged delegates. On May 27th in the statewide primary, 42,900 Idaho voters (twice the caucus turnout) chose Obama over Clinton by a much narrower 56% to 38% – Obama's vote margin dropped from a 62% spread to just 18%. If the delegates had been allocated on primary results, he would have received 11 pledged versus 7 for Clinton. Bottom line: Obama's 13,200 vote caucus win in Idaho (which has not voted Democratic since 1964) netted him 12 pledged delegates – the same number won by Clinton in a 214,100 vote victory in the state of Pennsylvania.

4-State Summary	Caucus Pledged Delegates				Primary Pledged Delegates				
	Pledged Del.	Obama	%	Clinton	%	Obama	%	Clinton	%
Washington	78	52	68%	26	31%	41	51.2%	37	45.7%
Texas (See: Ex #2)	193	99	56%	94	44%	93	48.2%	100	51.8%
Nebraska	24	16	68%	8	32%	12	49.4%	12	46.6%
Idaho	18	15	79%	3	17%	11	56.0%	7	38.0%
Total	313	182		131		157		156	
Difference		Obama + 51 Pledged Delegates				Obama + 1 Pledged Delegate			

In final tally, 120 pledged delegates separated Obama and Clinton. In these four states alone, he netted 50 more pledged delegates via the caucus system than would have been allocated through the primaries held – 42% of the 120 delegates.

All four states that held both a caucus and a primary election showed the same pattern: in the primary-style elections with higher voter participation, Clinton either beat Obama or substantially narrowed his win.

In line with this analysis, compare these Obama caucus wins with Clinton primary wins. With an eye on the General Election, which states are more important to win? Which are a stronger indicator of candidate strength and a better barometer for overall voter preference for the Democratic nominee? Importantly, 40% of Obama's wins were caucus states, 95% of Clinton's wins were primary states.

Win	State	Eligible Voters	Electoral Votes	Total votes	Vote Difference	Pledged Del. Diff
BO	Alaska caucus	476,744	3	8,868	4,480	5
HRC	Texas primary	15,011,648	34	2,825,210	100,258	4
BO	Nebraska caucus	1,269,738	5	38,571	13,681	8
HRC	Ohio primary	8,518,501	20	2,315,389	203,851	9
BO	Idaho caucus	1,028,790	4	20,535	13,225	12
HRC	Pennsylvania primary	9,431,577	21	2,307,759	214,115	12
BO	Kansas caucus	1,990,002	6	36,634	17,710	14
HRC	New Jersey primary	5,520,305	15	1,114,872	112,128	11
BO	Washington caucus	4,614,253	11	241,305	88,763	26
HRC	California primary	21,725,632	55	4,794,846	421,522	36

Also consider this: the 140 pledged delegates margin Obama derived from the 12 caucus states he won is only 16 less than Clinton's 156 pledged delegates won from all of these hard-fought, primary states: California, Texas, Pennsylvania, Ohio, New Jersey, Massachusetts, Indiana, Tennessee, Arizona, Oklahoma, Arkansas, New Mexico, West Virginia, New Hampshire and Rhode Island.

These Clinton-won states have a combined 220 electoral votes, 87.2 million eligible voters and cast a total of 18,400,000 votes in these primaries. Compare that with the 12 Obama-won caucus states with a combined 69 electoral votes, 21.5 million eligible voters and only 944,000 total votes cast.

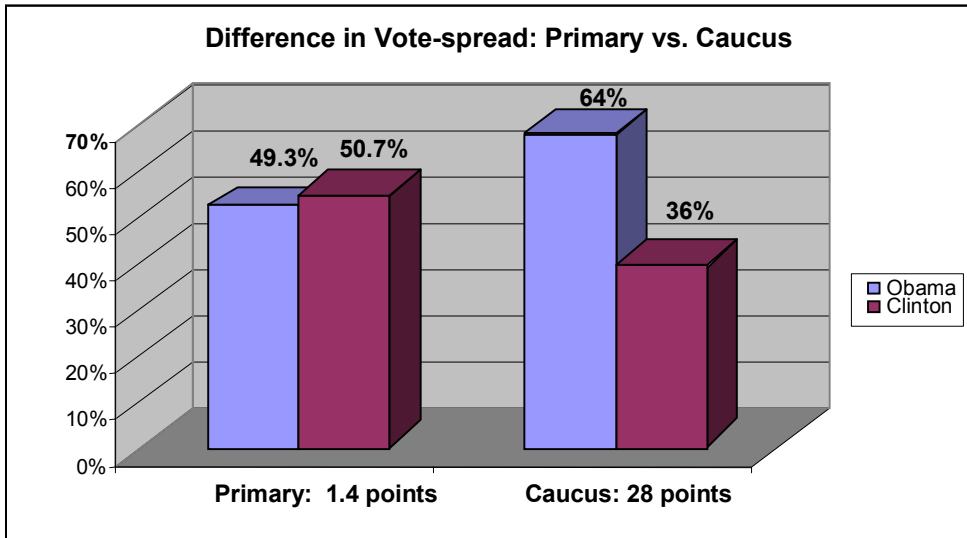
All delegates and states won should not be weighted equally in selecting the Democratic nominee. 40% of Obama's wins were in caucus states wherein one-half have not voted Democratic since 1964, 70% voted Republican in 2004, 8 out of the 13 states had only 8,700 to 43,900 voters each and there is a total of only 74 electoral votes for all caucus states.

Caucus Systems Distort Election Results

These major elements caused significant distortion in the 2008 Democratic Presidential Preference Election results:

- suppressed voter turnout in caucus vs. primary states
 - lopsided vote-spread differential between Obama and Clinton in the caucus vs. primary states
 - relative impact of caucus elections on the allocation of pledged delegates to each candidate
 - disproportionate impact of caucus votes in relation to convention delegates
 - lack of reliable election results – undisclosed and non-certified caucus vote counts
1. Suppressed voter turnout in caucus vs. primary states: The list of major groups who were filtered-out of the voting process in caucus states coupled with the documented 4-times smaller voter turnout and 34-times fewer votes cast were all indicators of the existence of voter suppression in caucus vs. primary states. Page 3 shows that an estimated 1.9 million would-be voters were disenfranchised through caucuses during the 2008 Democratic Primaries. Thereby, the caucuses presented such a limited snapshot of voter preference for Democratic nominee – nearly 96% of eligible voters did not participate – how can the numbers be trusted?

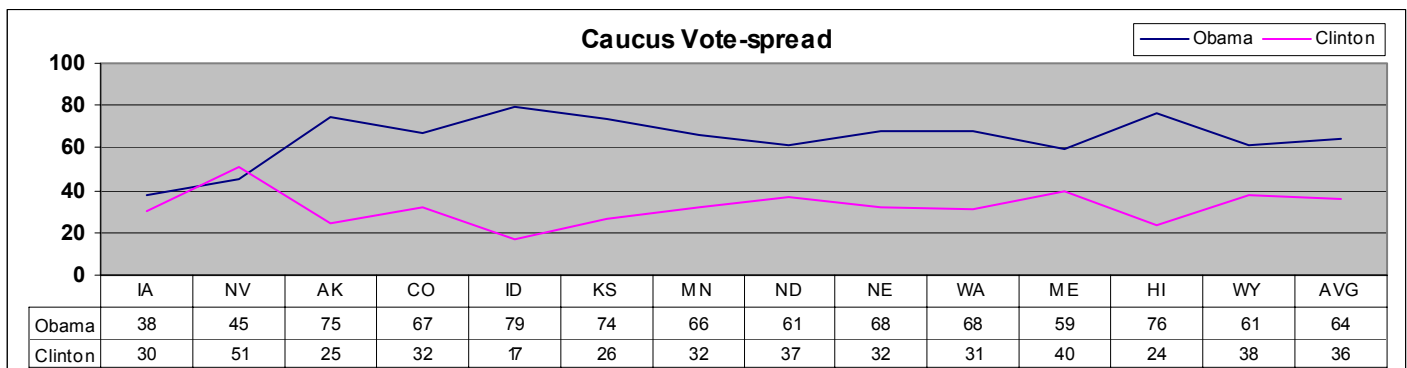
2. Lopsided vote-spread differential between Obama and Clinton in the caucus vs. primary states: Because of the restrictions inherent in the caucusing process, participants traditionally include the most motivated voters, party partisans & loyalists and voters strongly committed to a candidate and/or the voting process itself. Since this is generally a relatively small subset of all voters, true voter preferences can be skewed. In 2008, the 39 primaries [including MI & FL] produced an average 1.4 percent pro-Clinton vote-difference. By contrast, the 13 caucuses had a 28 percent pro-Obama vote-spread.



The 2008 vote-spread differential:
 Caucuses: 28% pro-Obama
 Primaries: 1.4% pro-Clinton

Result: disproportionate allocation per candidate of the 498 pledged delegates allotted to the caucus states [including TX caucus].

The following graphic illustrates just how successful Obama was at dominating the historically low turnout caucuses. Notice that in state after state, he garnered a 2 to 1, 3 to 1 or 4 to 1 margin over Clinton – average 28% vote-spread.



The graph visually illustrates the single greatest reason for Obama’s final delegate lead over Clinton: since pledged delegates are allocated per candidate based roughly on vote percentages, the lopsided caucus vote-spread produced a lopsided allocation of pledged delegates.

Contrast this average 28% pro-Obama vote difference in caucus states with the 1.4% pro-Clinton vote-spread in the 39 primary states. Even though caucus-goers only cast a total 1.1 million votes in this election, the 28% Obama preference resulted in a net advantage of 152 pledged delegates and 299,768 votes. In this otherwise dead-heat race, those numbers were sufficient to skew the overall election results in his favor.

3. Relative impact of caucus elections on the allocation of pledged delegates to each candidate. Out of the 52 elections, 39 were primaries and 13 were caucuses. Clinton won 21 of the primaries and Obama won 18. In those

primaries which accounted for 34.8 million votes, there was a 1.4% vote-difference [Obama 49.3%, Clinton 50.7%] and notably only 35 pledged delegates out of the 2,893 allocated separated the two candidates – a 1.2% difference in primary pledged delegates.

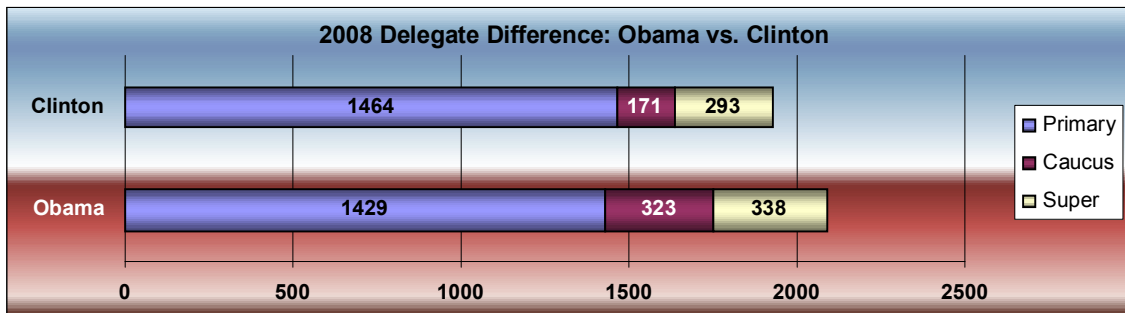
In comparison, Obama dominated the caucus contests by winning 12 of 13, plus the Texas caucus. 40% of his wins were caucus states. And, unlike the near-tie results for primary states, caucus voters favored Obama by an average of 64% to 36% over Clinton. Of the 494 pledged delegates allocated for the 13 caucus states plus the Texas caucus, Obama gained 152 pledged delegates – a 30.8% difference in caucus pledged delegates.

2008 Delegate Summary						
	Obama	Clinton	Total	Diff	% Diff	Favors
Primary Pledged	1429	1464	2893	35	1.2%	Clinton
Caucus Pledged	323	171	494	152	30.8%	Obama
Super Delegates	338.5	293	631.5	45.5	7.2%	Obama
* Total	2100.5	1935	4035.5	165.5	4.1%	Obama

2008 Candidate States-Won Summary						
	Primary States			Caucus States		
	States Won	States	%	States	%	Electoral Votes
Obama	30	18	60%	12	40%	227
Clinton	22	21	95%	1	5%	311

* Total incl. Votes Abroad. Incl. TX caucus delegates. Includes FL & MI. [June 3, 2008]

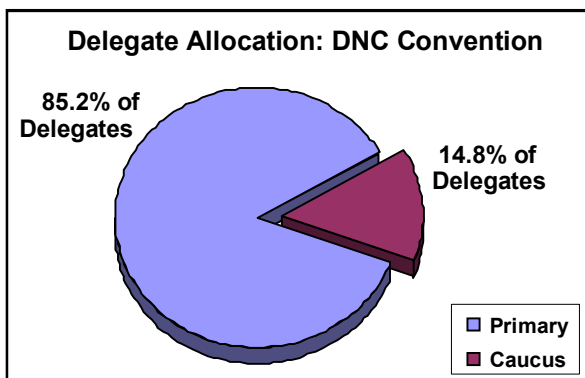
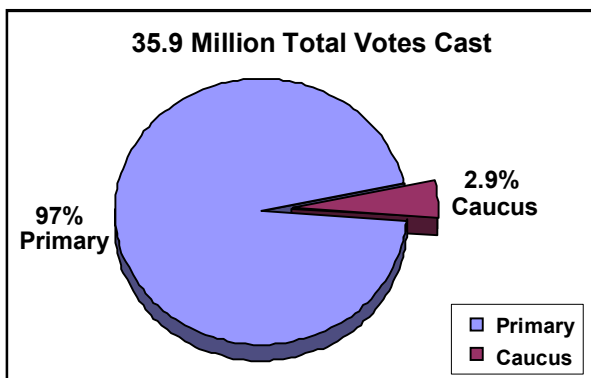
Includes: FL & MI. Source: CNN [June 3, 2008]



After all 52 election contests, Obama lead Clinton by 120 pledged delegates. 97.5% of the difference – 117 delegates – was directly attributable to lopsided victories in caucus contests.

4. Disproportionate impact of caucus votes in relation to convention delegates. Though voters in all 13 caucus states cast only 2.9% of the total 35.9 million votes – those caucus votes control 14.6% of the pledged delegates and 15.5% of the Super delegates sent to the DNC Convention – average 14.8% of the total delegates [626 caucus / 4234 total]. Restated, each caucus delegate will represent the voices of only 1,690 voters whereas each primary delegate will represent the voices of 10,020 voters. **Yet the vote of each delegate will hold equal weight.**

Bottom line: 1 out of every 34 votes will determine and control 1 of every 6.75 Democratic delegates sent to the 2008 Convention. Caucus voters will have a grossly disproportionate role in determining the 2008 Democratic nominee.



39 Primary States
34.8 Million Votes

13 Caucus States
1.1 Million Votes

2.9% of the vote will control 14.8% of the delegates sent to the 2008 Democratic Convention

5. Lack of reliable election results – undisclosed and non-certified caucus vote counts. In 2008, 4 of the 6 largest caucus states in terms of votes cast – Iowa, Nevada, Washington and Maine – did not report total turnout and votes.

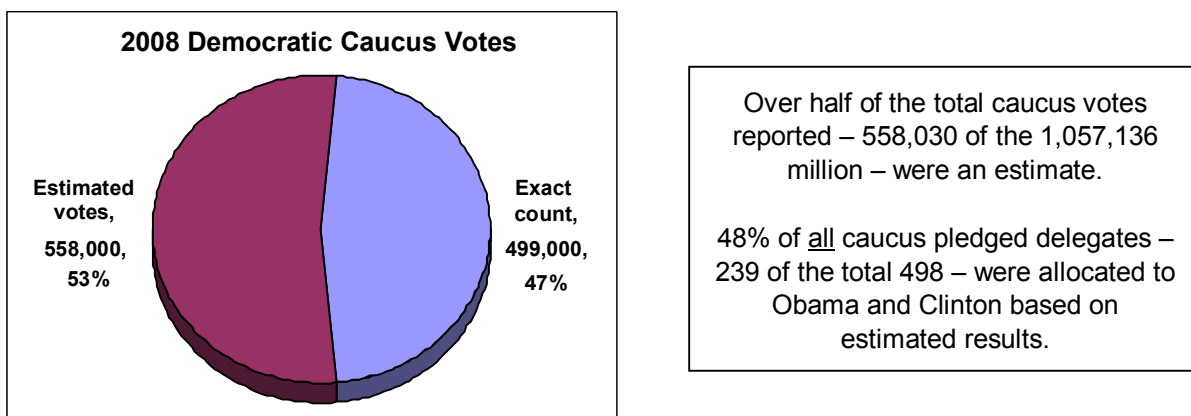
Together, these states cast an **estimated** 558,000 of the 1,057,136 million total caucus votes for Obama and Clinton. Thus, 53% of the total votes reported from the 13 caucus states were a guesstimate based on state Democratic Party estimates of voter turnout or based on projections by other independent organizations.

Notably, the reported vote totals varied depending on the projection made by different news organizations and election researchers. There was no certification of results (and probably no solid audit trail) that would provide an exact vote-count as required to be reported through a primary voting system.

In addition to these 4 states, there were no solid vote-count numbers presented for the Texas caucus. In fact, the election tally there stopped after approximately 41% of the precincts had reported results.

From a delegate standpoint, these 4 caucus states plus the Texas caucus accounted for 239 pledged delegates – 48% of the total 498 pledged allocated to all caucuses. Again, the allocation of these delegates to Obama vs. Clinton was based on estimated votes and/or the relative percentage of support expressed per candidate.

Note: If the 558,000 estimated caucus votes were eliminated from the total vote count, then the remaining 499,107 caucus votes would account for only 1.4% of the total votes cast.



Bottom line: In final tally, the 239 pledged delegates impacted by the estimates were double the difference of 120 pledged that separated the two candidates. And ultimately, while Clinton won the majority of votes cast, the automatic or super delegates pledged their support for Obama based largely on his lead in pledged delegates.

How can the American electorate have confidence in any election system which produces only an estimate of votes? Why should Democrats accept a nominee whose margin of victory is largely based on a voting system with non-certified, guesstimated results? And, if caucus-style voting systems are not permitted in the Presidential election, then why are still permissible in the nomination process?

True Math of Electability

Author's Note: One question has stumped me since initiating this research. Since the two voting systems produced such widely different election results, why didn't the news media show American voters and Democratic delegates the data broken down by the voting system used – primary vs. caucus – before integrating it to show the total results?

Seeing that breakdown would have helped voters, delegates and especially the super delegates make better informed decisions based on each candidate's strength and overall electability for the General Election.

Indeed, when you look at election results by primary versus caucus, this race looked very different:

	Total Votes	Net Votes	Net Delegates ¹
39 Primaries	34,829,191	Clinton + 485,843 ²	Clinton + 44.5
13 Caucuses + TX	1,057,137	Obama + 299,768	Obama + 206

¹ Pledged & Super delegates incl for MI & FL per RBC changes. Updated 3-Jun-08. ² No MI votes.
³ With Obama being given 75% of 238,168 MI "Uncommitted" votes: "Net Votes" = Clinton + 307,217

39 Primaries with 34.8 million voters gave Clinton a lead in both votes and delegates.

Caucuses with 1.1 million voters gave Obama 300,000 more votes and 206 more delegates

Notice footnote "3" above: the May 31st DNC Rules & Bylaws Committee (RBC) meeting ruled to seat MI & FL delegates at the 2008 DNC convention with 50% voting rights and adopted the alternative Levin proposal to award MI delegates to Obama based on 75% of the "Uncommitted" & write-in votes, as suggested by the MI exit polls.

The summary table above incorporated the RBC ruling on delegate voting rights and delegate distribution between the candidates. Effectively, the RBC ruling resulted in a 66% reduction in Clinton's pledged delegates won in the MI & FL primaries. Despite that cut, she finished with a lead of 44.5 total delegates in the 39 primaries.

According to the RBC ruling, there was no obligation to allocate part of the MI votes to Obama since he voluntarily removed his name from the ballot. However, it's noteworthy that even if 75% of the 238,168 "Uncommitted" MI votes were given to Obama, Clinton still finished the 2008 election with a lead of 307,217 votes in the primary states.

No Super Delegates: Pledged delegates are the true measurement of votes won per state / per election contest. So, what would the results be if all Super delegates were excluded from the numbers?

2008 Election Results: Primary versus Caucus				
	Total Votes	Vote %	Net Votes	Net Pledged Delegates ¹
39 Primaries	34,829,191	97.0%	Clinton + 485,843 ²	Clinton + 35
13 Caucuses + TX	1,057,137	2.9%	Obama + 299,768	Obama + 152

¹ Pledged delegates only. Incl. MI & FL per RBC changes. Updated 3-Jun-08.
² No Michigan votes for Obama. If Obama were given 75% of 238,168 MI "Uncommitted": "Net Votes" = Clinton + 307,217

Total Votes: The total votes won per candidate in all 52 contests – 39 primaries and 13 caucuses – plus all votes abroad:

	2008 Total Votes
Clinton	18,046,271
Obama	17,869,497
Difference	176,774

Seeing election results broken down – primary versus caucus – reveals a startling conclusion.

Based on the certified results in 39 primary states with 34.8 million votes – 97% of all votes – Clinton won the majority of both delegates and votes. Based on the 1.1 million votes in the caucuses – 2.9% of all votes (over half of which were estimated) – Obama won the majority of delegates and votes.

If votes reflect the will of the people, and delegates reflect the votes, then by 97% majority, Clinton won.

More Math

Since the two election systems produced two vastly different pictures of voter preference for the Democratic nominee this section will analyze and compare the results of each. Certainly the scrutiny of caucuses is warranted because 97% of the pledged delegate difference between Obama and Clinton is directly related to caucus victories, caucus delegates' account

for 1 in every 6.75 DNC Convention delegates and nearly 2/3 of those caucus delegates will vote pro-Obama – essentially giving them substantially more clout in determining the 2008 Democratic nominee.

- Obama won more states than Clinton: he won 30 states, she won 22. But what was the value of those states?

22 of Obama's 30 states won were either caucus states or Red states – including 75% of the deepest Red that have not voted Democratic since 1964 to 1976 (16 states have not votes Dem since 1964-1976 and Obama won 12 of the 16). He finished with states having 227 Electoral Votes – 43 short of the 270 needed to win the General Election – and 118 were from Red states. Notably, with Obama as the presumptive Democratic nominee, he started the race for the Presidency with 109 Electoral Votes from blue or purple states. That's 40% of the 270 needed to win in November.

In contrast, one of Clinton's 22 states-won (including Puerto Rico) was a caucus and only 27% of her total Electoral Votes were from Red states. Further, 227 of Clinton's total 311 EV – which is 41 more than 270 needed to win in November – were from blue and purple states meaning that she would have started the Presidential race having won states that account for 84% of the 270 EV needed to win the Whitehouse.

Notice also from the following table, that while Clinton won fewer states, her states represented 84 more Electoral Votes and 43.8 million more eligible voters. Moreover, the Clinton-won blue and purple states have 51.4 million more eligible voters that Obama's states-won. Puerto Rico does not have electoral votes and its 2.6 million eligible voters were excluded from the table below.

2008 Dem Data: Red, Blue, Purple				
	Electoral Votes		Eligible Voters	
	Obama	Clinton	Obama	Clinton
Red States	118	84	42,178,693	34,575,329
Blue States	66	117	23,224,674	45,392,040
Purple States	43	110	16,146,203	45,407,021
Total	227	311	81,549,570	125,374,390
Data for all 39 Primaries and 13 Caucuses held as of June 3, 2008. Incl. MI & FL				

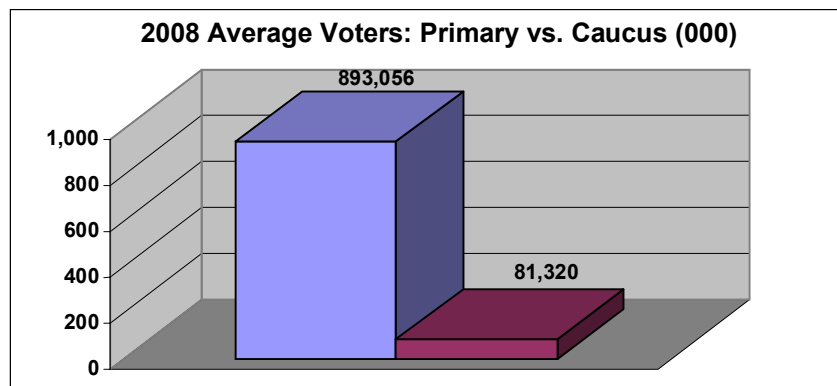
- Kerry states-won: In the 2004 General Election, John Kerry won 19 states and the District of Columbia representing a total of 251 Electoral Votes. In the 2008 Democratic Preference Election, Obama won 11 of those states plus DC and Clinton won 8. The Obama-won states have 93 EV (37%) and 31.8 million eligible voters and Clinton's states have 159 EV (63%) and 63.2 million eligible voters.
- The 13 Caucus states comprise 25% of all states voting in the 2008 Democratic Preference Election but accounted for 2.9% of total votes and only 74 of the total 538 Electoral Votes in the General Election.
- In 2008, primary voting systems were used in 75% of the election contests, generated 97.1% of total votes cast and represented 464 EV (86% of the 538).
- 70% of the caucus states – 9 of 13 – voted Republican in the 2004 General Election. Those states held 45 of the 74 total electoral votes for all caucus states. In 2000, 8 of the 13 states [62%] voted for Bush.
- During the 2008 Democratic contests, Obama won 12 of the 13 caucus states. 1/2 of those states have not voted Democratic since 1964. In those 6 states, only 2.3% of the 5.7 million eligible voters caucused and the 131, 870 total votes cast was 20,000 votes less than Vermont, the second smallest primary state in terms of eligible voters. Nearly 32% of Vermont's voters participated in the Democratic primary.

Notice also that another primary state New Jersey, with cumulatively the same total eligible voters as all 6 caucus states had 8.6 times more voter turnout. In the 2004 General Election, those 6 states voted pro-Bush by an average margin of 31.6 points.

The following table offers a snapshot of those 6 caucus states:

Caucus States	Electoral Votes	Eligible Voters	% Dem Turnout	Voted Dem	Obama Votes	Vote %	Clinton Votes	Vote %	Total Votes	Total Delegates
Wyoming	3	392,533	2.21%	1964	5,378	61%	3,311	38%	8,689	18
Alaska	3	476,744	1.86%	1964	6,674	75%	2,194	25%	8,868	18
North Dakota	3	485,606	3.82%	1964	11,625	61%	6,948	37%	18,573	21
Idaho	4	1,028,790	2.00%	1964	16,880	79%	3,655	17%	20,535	23
Nebraska	5	1,269,738	3.04%	1964	26,126	68%	12,445	32%	38,571	31
Kansas	6	1,990,002	1.84%	1964	27,172	74%	9,462	26%	36,634	41
Total	24	5,643,413	2.34%		93,855	71%	38,015	29%	131,870	152
Vermont	3	480,385	31.58%	2004	91,901	59%	59,806	40%	151,707	23
New Jersey	15	5,520,305	20.20%	2004	501,372	45%	613,500	55%	1,114,872	127

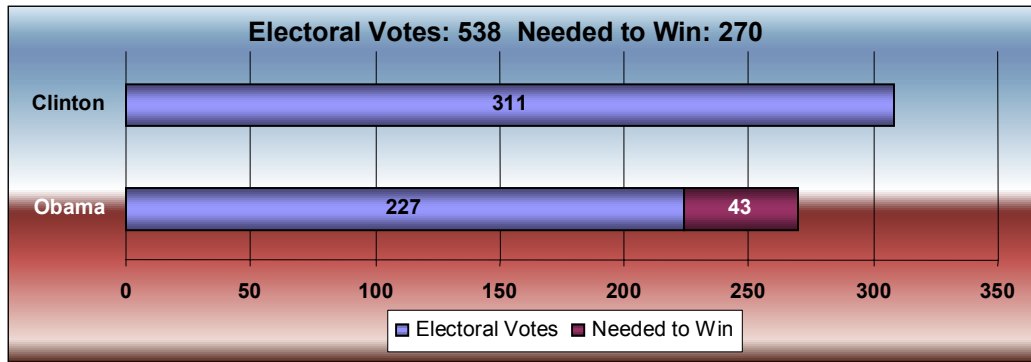
- Caucuses have **low voter turnout numbers**. 30% of the states voting by caucus in 2008 had 1%-2% turnout and the average of all caucus states was only 4.5%. Nearly 96% of eligible voters were NOT represented.
- Only one caucus state in the 2008 season had double-digit Democratic voter turnout (based on Eligible Voters) – Iowa had 11%. The other 12 caucuses ranged from a low of 1.8% for Kansas to a high of 6.9% for Nevada. In direct contrast, the 39 primary states had only two states with single-digit turnout – Michigan and Utah.
- In 2008, 8 of the 13 caucuses had less than 43,900 total voters, with Wyoming and Alaska at the low end with 8,700 to 8,900 voters respectively and Maine at the high end with 43,900 caucus-goers. Inversely, only two primary states out of 39 had less than 100,000 total voters – Delaware, the smallest primary state with only 422,000 eligible voters [they had 92,000 votes, a 22% Dem turnout] and South Dakota. Moreover, 13 of the 39 primaries topped 1,000,000 votes each – Clinton won 9 of those primaries and Obama won 4. 95% of Clinton's wins were primaries versus 60% for Obama [40% of his wins were caucus states].



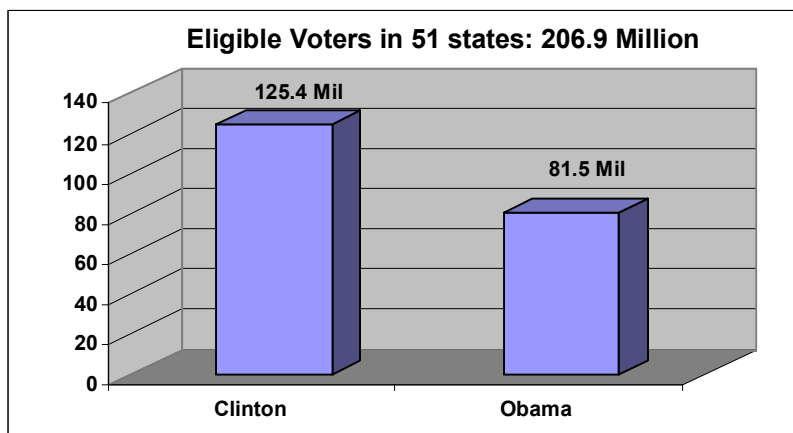
- In the 52 total Democratic election contests held during 2008, 11 states have not voted Democratic since 1964 and another 5 states since 1976. Obama won 12 of those elections, Clinton won 4. Overall, 33% of Obama's primary states (6 of 18) were in this red state category as were 50% of his caucus states (6 of 12).

This fact is relevant since 14 of these 16 states have only voted Democratic 1 time in the last 11 Presidential election cycles [in the last 44 years]. The two exceptions are Texas (voted Dem 3 times) and North Carolina (voted Dem twice).

- The United States has a total of 538 electoral votes and 270 are needed to win the Presidency. Clinton won 21 states with a combined 311 electoral votes – 41 more than the 270 needed – versus Obama's 30 states with 227 electoral votes – 43 short of the goal. Clinton also won Puerto Rico, however it does not have electoral votes.



- There are an estimated 206.9 million total eligible voters [VEP] in the election contests held. Clinton won states with 125.4 million eligible voters and Obama won states with 81.5 million. Puerto Rico's estimated 2.6 million eligible voters were excluded from this metric. Clinton won PR by 68.4% to Obama's 31.6% and netted 141,700 votes.



Other Primary versus **Caucus** Considerations

- Voters **must** physically attend a caucus and all who can not meet at the exact time and place forfeit their right to vote. As such, caucuses **systemically** discourage & suppress participation from certain major groups of voters:
 - Disabled voters who do not have transportation or accessibility needs met
 - Elderly or sick people who are physically incapable of participation
 - Military overseas** or on out-of-state assignment
 - Workers who **cannot get their employers to give them the time off** or who cannot afford to take time off work are disenfranchised. **Employers may not grant off-time since caucuses are "Party" related and not an "Election"**
 - Would-be voters who are out of town
 - Voters with children who cannot easily/affordably get a baby-sitter or watch children** in a crowd of strangers
 - Citizens with limited English proficiency
 - Religious voters who cannot caucus on a specific day because it would violate the dictates of their faith (EX: voting in a Saturday caucus would violate the Sabbath rules of Orthodox Jews and Seventh Day Adventists)
- According to **the National Disability Rights Network**, neither the ADA nor HAVA (Help America Vote Act) cover full caucus accessibility & equal access to the ballot. Further, **the courts have generally ruled that the "Parties" [Democratic and Republican] have the right to determine how their candidates are chosen** so there is limited legal recourse to force the parties to comply with accessibility standards for caucuses.
- Same day, on-the-spot caucus/voter registration** – at times with no **photo ID** or other documentation of identification – **allows for the very real possibility of voter fraud** and double-voting [both Republican and Democratic elections].

- Generally, there are few alternatives for the physical attendance requirement for a caucus, ie, no [Early/Absentee mail-in ballots](#). A few states have “Surrogate Affidavits” for military, but they still require another person to show up and vote for the soldier. Adopting simple alternatives, eg, Absentee Ballots would encourage voter participation.
- Since caucuses have much smaller, more limited voter participation, they can present a limited snapshot and even a very skewed picture of a) true voter preferences, b) the strength & make-up of voting blocks which will likely participate in the General Election and c) the true desirability of candidates within the caucus state. If one candidate dominates the caucuses, that candidate may not represent the true choice of the people in broad terms and thereby may weaken a party’s chances of winning the General Election.
- [Caucus voters](#) may [not well-represent General Election voters](#) and candidate preferences. Typically [only the most avid political partisans](#) – those on the extremes – and the most committed [voters will go through the time constraints and problems of a caucus](#). In a larger primary election or the General Election, the impact of political extremes – a population subgroup or an organized, motivated voting block – would be much more marginalized.
- Elections with low voter turnout are much more influenced by subgroups of a total population, by voters with a particular political agenda and by those strongly committed to a specific candidate. Consider several examples of how a small, but well-mobilized group of supporters can dominate and control the caucus outcome:

Example 1: The 2008 Nevada Republican caucus is one instance of how the process can present skewed results. In Nevada, [5% of the population is Mormon, but 25% of the Republican caucus-goers were Mormon, and 95% of that 25% voted for Mitt Romney. Romney won](#) by a landslide 51% of the vote, Ron Paul was second with 14% and McCain took third place with 13%. However, the total votes cast were only 44,300 out of 1.7 million eligible voters – a 2.6% turnout.

Note: Like Obama, Romney was pursuing a caucus-domination strategy. Before he suspended his campaign on Feb. 7, 2008, he’d won 8 of the 10 caucuses he entered with large-margin victories and placed a close 2nd in the other two. McCain won only one caucus. Part of the difference between the Democratic and Republican race is that Republicans have delegate allocation with more “winner-take-all” states. If Democrats had winner-take-all delegate allocation, the final results would have been Clinton 1895.5 pledged delegates and Obama 1497.

Example 2: On Super Tuesday in 1988, George Bush Sr., won 16 out of 17 primaries and caucuses but lost the Republican Washington state caucus to televangelist Pat Robertson – his sole victory that day. His highly organized backers were able to effectively skew the state results and according to Wikipedia, “his controversial win has been credited to procedural manipulation by Robertson supporters who delayed final voting until late into the evening when other supporters had gone home”.

- The “open communication” format of caucus elections may impose restrictions on the expression of true voter preferences and biases that could ultimately impact the electability of a candidate. For instance, the “Bradley Effect” or gender-bias would naturally be suppressed or unstated in a caucus setting for fear of being labeled a racist or sexist. In the privacy of a voting booth, those preferences or biases may be significant enough to impact electability.
- Primaries offer secret ballots, caucuses do not. Some voters [prefer to vote in privacy](#) and are uncomfortable [talking about politics](#) in front of others and may fear repercussions from [their neighbors](#), boss or co-workers.
- [Caucuses are complicated, often chaotic](#) and disorganized. Volunteers with limited training oversee everything from presiding over the caucus to vote counting & reporting. Procedures are not strictly followed and too frequently, intimidation and confusion reign.
- [Caucuses are often rife with irregularities](#). Yet with lack of oversight and accountability these irregularities and potential fraud can go unreported and unaddressed.
- Perhaps most troubling is the lack of transparency in the caucus process, the inadequacy or absence of audit & control procedures and the lack of certified results. From this perspective, caucuses are a “black box” voting system.

2008 Final Democratic Election Snapshot

2008 Democratic Election Snapshot		
Election Data:	39 Primary States ¹	13 Caucus States
States won: Obama 30	18 states	12 states
States won: Clinton 22	20 states + Puerto Rico	1 state
Democratic voter turnout (eligible voters)	18.7% average	4.5% average
Total votes: 35.9 Million	34.8 million	1.1 million
Total vote percentage	97 percent	2.9 percent
Average vote %: Obama vs. Clinton	O: 49.3%; C: 50.7%; Diff 1.4%	O: 64%; C: 36%; Diff 28%
Obama votes	17,171,674	678,452 estimated
Clinton votes	17,657,517	378,684 estimated
Total Pledged Delegates Allocated	2,893 allocated	494 allocated
Obama	1,429 pledged	323 pledged
Clinton	1,464 pledged	171 pledged
Difference in pledged delegates	35 Diff (1.2%) Clinton	152 Diff (30.8%) Obama
Total Super Delegates: Obama 338.5 vs. Clinton 293	---	---
Total Delegates: Obama 2100.5 vs. Clinton 1935	---	---
Electoral Votes: Obama 227	---	---
Electoral Votes: Clinton 311	---	---

¹ Incl. FL & MI. Data derived from comparison of CNN, NYT & realclearpolitics.com and thegreenpapers.com as of June 3, 2008

When the results of all 39 primaries were totaled and averaged there was a 1.4% vote differential and 1.3% difference in total delegates – Clinton led by 485,843 votes out of 34.8 million and Clinton led by 44.5 delegates out of 3,403.5 total. The relative dead-heat Primary results closely paralleled national preference polls after Super Tuesday.

Conversely, when the results of all 13 caucus states were totaled and averaged there was a whopping 28.4% vote differential and 34.7% difference in total delegates – Obama led by 299,768 votes out of only 1.1 million votes and he led by 206 delegates out of 594 total. Simply put, this 28-point vote margin – Obama 64% vs. Clinton 36% - did not align with the near-tie preference shown by the 34.8 million votes cast in the primary states or with or in national head-to-head polls.

2008 Democratic Popular Vote							
	Obama Votes	Vote %	Clinton Votes	Vote %	Total Votes ³	NET Votes	NET Delegates ³
39 Primaries ¹	17,171,674	49.3%	17,657,517	50.7%	34,829,191	Clinton + 485,843	Clinton + 44.5
13 Caucuses ²	678,452	64.2%	378,684	35.8%	1,057,136	Obama + 299,768	Obama + 206
All Votes Abroad	19,371		10,070		29,441	Obama + 9,301	Obama + 4
TOTAL	17,869,497	49.8%	18,046,271	50.2%	35,915,768	Clinton + 176,774	Obama + 165.5
Adjusted Total ⁴	18,048,123	50.0%	18,046,271	50.0%	36,094,394	Obama + 1,852	

¹ 39 Primaries incl MI & FL with delegate adjustment per Dem. RBC decision on May 31, 08. MI "Uncommitted" 238,168 votes not included in Obama votes. SEE "4" below

² Approx. 558,000 of the 1,057,136 total caucus votes were an **estimate** for IA, NV, WA & ME (the State Dem Party did not release exact numbers).

³ Vote count & Delegate count updated June 3, 2008 by cross-checking CNN, thegreenpapers.com, realclearpolitics.com & state websites

⁴ "Adjusted Total" gives Obama 75% of 238,168 MI "Uncommitted" votes - the same % as Exit polls. There is no legal obligation to award these votes to Obama since he voluntarily removed his name from the Michigan ballot.

Note: On June 3, 2008, Montana and South Dakota held the final two primaries. The following table includes all pledged delegates per election results from those states. However, except for the super delegates from Montana that chose Obama on June 3, the remaining group of over 60 super delegates who made commitments was excluded so as not to distort the election results conveyed through this report.

2008 Democratic Delegate Count								
	Obama Total Delegates			Clinton Total Delegates			NET Delegates ¹	Total Votes ¹
	Pledged	Super	Total	Pledged	Super	Total		
39 Primaries	1429	250.5	1679.5	1464	260	1724	Clinton + 44.5	34,829,191
13 Caucuses	323	77	400	171	23	194	Obama + 206	1,057,136
All Votes Abroad	10	11	21	7	10	17	Obama + 4	29,441
TOTAL	1762	338.5	2100.5	1642	293	1935	Obama + 165.5	35,915,768
¹ Vote count & Delegate count updated June 3, 2008 by cross-checking CNN, thegreenpapers.com, realclearpolitics.com & state websites								

While a number of sources have reported that Clinton won the popular vote, none have highlighted that she also won the majority of pledged delegates based on the primary states wherein 97% of all votes were cast.

Conclusion

In the well researched, thoughtful paper entitled “Has America Outgrown the Caucus?” Tova Wang a Democracy Fellow at The Century Foundation wrote:

Caucuses, as opposed to primaries, by their very structure violate fundamental principles of voting rights. Their time-consuming, inflexible, Byzantine procedures discourage broad participation, presenting substantial barriers to the right to vote. It is not that the caucuses violate the Constitution—they are run by the parties, not the states, and do not violate voting rights as a matter of law. Rather, because of their exclusionary nature, they go against some of the core values we express when we talk about voting rights, such as the fundamental nature of the right, equality of opportunity to participate in the process, and fair access to the ballot.

Regardless of what reforms are considered, it is clear that the caucus is a deeply flawed method for selecting a nominee, and this problem can no longer be shunted aside. As much as many of us would like to cling to old but undoubtedly appealing images of how our democratic process operates, these notions simply are no longer in accord with present day realities. The nominating process has changed, it is no longer the exclusive province of insiders, and as such, the rules around it must also change with the times. The integrity of the process demands bringing voting rights to the system of choosing the two individuals who will vie to become the leader of the nation. Caucuses, as they are currently conducted, do not respect those rights and should not continue in their current form going forward.

Certainly, through this research report, it’s been shown that caucus elections not only suppress voter participation but also literally systemically disenfranchise voters such as people with disabilities, military personnel on assignment, those physically incapable of participation and all other would-be voters who can not meet the “exact time and place” physical attendance requirement. Likewise, it’s clear that in the 2008 Democratic Preference Election, the caucus elections skewed overall voting results and had a disproportionate impact on the selection of the presumptive nominee.

From a voting rights standpoint the questions become: When millions of Americans are filtered-out or systemically locked-out of the caucusing process, how can we say we have a nominee who was chosen democratically, by the will of the people? When so many citizens are excluded from the voting process itself, then how can we trust the outcome?

In 1865, Swiss political scientist Ernest Naville gave this simple description of representative democracy:

“The right of decision belongs to the majority, but the right of representation belongs to all.”

In the United States one of the most cherished promises of our constitutional republic is that through our votes we can raise our voices, express our needs and achieve representative government. To this end the more inclusive and accurate a voting system is, the more fully “we the people” – all of us – can participate in choosing our elected officials.

However, when the voices of voters are excluded from the process then those citizens are robbed of their right to representation. Their voices are muted, their needs go unexpressed and the resultant election becomes skewed by not capturing a wide swath of voter preference. In essence, this en masse disenfranchisement strikes at the very heart of our democracy taking it instead towards a government ruled by the few, by the insiders.

From this author’s view, this is perhaps the greatest failing of the caucus system, ie, it breaks the sacred promise of achieving truly representative government through our votes.

While caucuses are exemplary as a forum of debate and discussion they are highly flawed as a voting system. They filter-out and lock-out multiple voter groups, they lack the structure, control and objective monitors within the caucusing process which would prevent the irregularities and outright fraud and in the end they fail to produce reliable and certified results. And, even when they do produce an exact vote count who is measured through that exact count? When so many are excluded how can we pretend that the results are democratic – a true barometer of the full voice of the people, ie, [a broad measurement of the will of the people?](#)

In the 2008 Democratic election cycle this is clear: no matter how abysmal the caucus turnout rate was, no matter how few votes were cast compared to primary elections, no matter how many complaints of irregularities were filed, no matter that over half of the caucus votes were estimated instead of exact, no matter what the failings as a voting system caucuses were ... they still retained their same number of delegates.

And the fact is that that disproportionate allocation of delegates-to-votes was enough to thwart the will of the majority – those who cast 97% of the votes – by the will of the minority who cast only 2.9% of the votes through a flawed voting system.

There is outrage when thousands are purged from voter rolls just before an election. But where is the consciousness of this voter suppression wherein millions of voices are completely muted – where is the outcry over this massive injustice? How can this still be happening in 2008 America? And, how can we have Party unity when these facts are known?

Call to Action

It’s time for the Democratic Party to demand reforms in the caucus process – ie, more inclusion, fixing the security breaches in the internal proceedings and producing exact, certified vote counts with a clear audit trail – and if the state Parties are not willing to implement the reforms then frankly they should get out of the elections business. Further, the DNC needs to reconsider and adjust the delegate allocation to be more in-sync with total votes cast so that the election results are closer to one person one vote. Then the will of the majority will not be overturned by the votes of a few.

Moreover, repeatedly in cases challenging the caucus system, the courts have ruled in favor of the state Party instead of upholding the voting rights of the people. It’s said that in the absence of legislation, judges become the legislators.

So at a broader level, it’s time for Congress to see and understand how caucuses – as a voting system – damage democracy through mass disenfranchisement and through gross distortion of election results and to pass legislation to remedy the injustice.

Hopefully, this report will be a call to reform that voters themselves will take to heart and act on by calling the Democratic Party and by contacting their legislators to demand reform.