

Contested Presidential Nominating Conventions: Brief Background and Questions

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Neither major party has required multiple votes to select a presidential nominee since the [1952 Democratic National Convention](#) and the [1948 Republican National Convention](#). Yet, prolonged primary campaigns routinely [fuel speculation](#) that convention delegates might again be called on to choose a party's presidential nominee through multiple ballots, rather than to ratify a clear outcome from the primaries. This CRS Insight briefly addresses selected questions about possible contested Democratic and Republican conventions that might be relevant as Members of Congress prepare for the 2016 election.

What is a contested convention?

In general, a "contested convention" refers to delegates requiring more than one vote (ballot) to select the party's presidential nominee. Hence, contested conventions are also sometimes called "multi-ballot" or "open" conventions. Some contested conventions were "brokered" by party "bosses" before the two major parties ([especially Democrats](#)) changed their nominating processes beginning in the early 1960s.

Why is there speculation that a contested convention might occur in 2016?

This year, a Democratic candidate must secure at least [2,383 delegate votes](#) to win the nomination. A Republican requires at least [1,237 votes](#). Because candidates from both major parties have remained competitive throughout the 2016 primary season, it is unclear whether one Democrat and one Republican will secure enough delegate support to be the presumptive nominee before the convention begins. Some Republican state parties allocate convention delegates proportionally, and Democrats require proportional allocation. Consequently, even candidates who do not win in a particular state can amass delegates throughout the primaries or other delegate-selection events.

Most speculation about a 2016 contested convention has emphasized the Republican race. On March 20, 2016, when asked about the prospects for a contested convention, Republican National Committee (RNC) Chairman Reince Priebus replied: "[I think it's possible and we're preparing for that possibility.](#)" Those preparations [reportedly continue](#). A contested Democratic convention appears less likely but some accounts suggest that one [is possible](#), particularly if one candidate does not secure substantial "superdelegate" support in advance or if those delegates decided to change their

intended votes or remain uncommitted.

What roles might Members of Congress play at contested conventions?

Although Members of Congress attend and participate in conventions, the events are not governmental or congressional functions. Regardless of whether a contested convention occurs:

- Democratic Representatives and Senators participate as "party leader and elected official" (PLEO) delegates, commonly called "superdelegates." These include the party's Members of Congress, President, Vice President, Governors, Democratic National Committee (DNC) members, and certain former elected officials, such as Presidents and Vice Presidents and members of congressional leadership.
- Republican Members of Congress do not necessarily serve as delegates, and the party does not have a position akin to Democratic superdelegates (despite some "automatic" delegates discussed below). Members of Congress may run as delegates from their state parties to the national Republican convention.
- [Some accounts](#) suggest that superdelegates limit the potential for a contested Democratic convention both because these are "unbound" delegates and, therefore, may support their preferred candidate regardless of primary results, and because they constitute approximately 15% of the 2016 delegate pool. On the Republican side, Republican National Committee (RNC) members also serve as automatic delegates and are similarly unpledged, but they make up less than 7% of all delegates.

How might convention rules affect a contest?

This Insight does not provide a comprehensive overview of all rules that might govern a contested convention, but the following could be especially relevant.

- For both parties, the convention rules committees could be the first venue in which a contest might emerge or be settled. For Republicans, the previous convention sets rules that can govern the next one, but the [Convention Rules Committee](#) could choose to recommend changes during meetings the week before the convention. The full convention votes on any committee-recommended rules package. For Democrats, the Rules and Bylaws Committee meets in the weeks before the convention and recommends Permanent Rules of the Convention to the entire body for consideration.
- For candidates in both parties, securing delegate loyalty (unless delegates may be uncommitted) will be a [priority](#) to avoid or mitigate a contested convention. Both national parties permit state counterparts to specify their own procedures for choosing delegates, but Democratic rules are generally more complex and tend to favor national party authority compared with comparatively more flexible Republican rules.
- Democratic Delegate Selection Rule 12.D permits candidates to approve of the people who wish to serve as pledged delegates, unlike Republican rules. Article VIII.F.3.c of the Democratic Call of the Convention requires pledged delegates to "in all good conscience reflect the sentiments of those who elected them."
- [Republican Rule](#) 16(a) generally binds pledged delegates in accordance with state and national party rules. Reports [suggest](#) that most Republican delegates would become "unbound" and free to vote for another candidate if a first ballot did not decide the nomination.
- Republican Rule 40(b) currently specifies that nominees "shall demonstrate the support of a majority of the delegates from each of eight (8) or more states." Some observers have suggested that this rule [precludes](#) any candidate without a majority of delegates from at least eight states from being eligible for nomination. Others have noted that the Rules Committee and convention could alter or abolish the rule.

When will we know more?

If no candidate secures a majority of delegate votes before the end of the primary season, the odds of a contested convention [increase](#), but candidates could campaign for delegate support until the conventions in mid-July. Most delegates will be allocated by June 7, when both parties hold primaries in California, Montana, New Jersey, New Mexico, and South Dakota. The nation's final primary occurs on June 14 in the District of Columbia (for Democrats).