
Coates' Canons Blog: North Carolina's Presidential Primary

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Voting for president is weird.

When we go to the polls at the general election in November and think we are voting for one candidate or another, we're not. Not a single North Carolinian voted for John McCain or Barak Obama in 2008. We were really voting for a slate of electors who were bound under law to vote for our candidate in the Electoral College a month later. ("A vote for the candidates named on the ballot shall be a vote for the electors," says North Carolina law.) The Electoral College elects the president. The intricacies of how that works are described [here](#). In November 2012, we will do it again.

The presidential primary in May is just as strange. We think that we are voting for one candidate or another for the nomination of our political party, but, again, that's not really what we are doing.

In every other kind of party primary we vote for the candidate we want nominated. When Republican voters go to the polls in May to vote for their party's nominees for governor and attorney general and county commissioner and sheriff and register of deeds, the candidates who win the primaries are the party's nominees to face the Democratic winners of their primaries, and the other way around. It's as simple as that. The party voters in the primaries pick the nominees.

But for president, it's not that simple. It can't be. North Carolina Democrats and Republicans, voting in their parties' primaries, can't pick the presidential candidates for the entire nation. Like it or not, the party voters in Florida and New York and California are also entitled to a say in the nomination. As we know from decades of television and old photographs of men sweating through starched collars under revolving fans, it is the delegates to the national conventions of the Republicans and the Democrats who select the candidates—just before tens of thousands of balloons fall from the ceiling.

So, what are we doing when we vote in our North Carolina presidential primary? We are deciding how to instruct delegates to our parties' national conventions. In 2008, in the Republican primary, the choice was not between John McCain and Mike Huckabee, nor in the Democratic primary was it between Hillary Clinton and Barak Obama. In each case, your vote was cast toward allocating delegates to the Republican and Democratic national conventions. If lots of voters voted for Huckabee, there would be a higher proportion of North Carolina delegates at the Republican convention pledged to vote for Huckabee. Same for Clinton and the Democrats.

Here's how the North Carolina **statute** puts it: "Each political party shall allocate delegate positions in a manner which reflects the division of votes of the party primary." If Huckabee gets about half the primary votes, he gets about half North Carolina's Republican national convention delegates. (In fact, in 2008 Huckabee got just over 12%, finishing way behind McCain's 74%. On the Democratic side, it was much closer with Obama getting 56% and Clinton 42%.)

The presidential primary is weird start to finish. Right off the bat, its name is strange. It's not the Presidential Primary, it's the Presidential Preference Primary. There's a strong hint at the very beginning that this is no ordinary election. You're not really electing anybody; you are expressing a preference.

Second, the way candidates get on the ballot is strange. In a regular election, a Republican or a Democrat who wants to run for governor or county commissioner goes to the board of elections, pays a filing fee, fills out the paperwork, and becomes a candidate. It is very different with the Presidential Preference Primary. By the first Tuesday in February in presidential election years, the chair of each political party submits to the State Board of Elections a list of candidates to be put on the party's primary ballot. By **statute** the chairs are to include candidates "whose candidacy is generally advocated and recognized in the news media throughout the United States or in North Carolina," unless a particular candidate specifically bows out. The State Board then takes that list and, the statute says, "shall nominate" those

candidates. The State Board nominates! In addition, there is a petition procedure for supporters of other candidates to get their candidate on the ballot, with 10,000 signatures.

Here's a third way the Presidential Preference Primary is strange: for the Republicans and the Democrats, the primary ballots include not only the names of the nominated candidates but also a line for "no preference." Maybe you don't like any of the candidates on the ballot. Or maybe you want the delegates to go to the national convention with a completely open hand, not bound to vote for Huckabee or McCain or Clinton or Obama, but free to decide to vote how they wish.

Fourth, the Presidential Preference Primary is strange in its relationship to the rules of the Democratic and Republican parties. Recall that the state statute says that the parties are to allocate delegates proportional to the primary vote. It actually says a little bit more than that. It says that the allocation is to be split according to the primary results "consistent with the national party rules of that political party." In other words, if the party rules don't permit an allocation that the North Carolina voters voted for, you have to follow the party rules. In case of a conflict, the statute says, the state party executive committee "has the power to resolve the conflict by adopting for that party the national rules," but only to the extent "necessary to resolve the conflict." Under the rules of the Democratic Party, a candidate must receive at least 15% of the vote to receive any allocation of delegates. That is an example of how the party rule trumps the state requirement of allocation.

And last, the Presidential Preference Primary is strange in that its effect wears off quickly. The parties are obligated to divide delegates according to the results of the primary, and those delegates are bound—at least by a moral obligation—to vote that way on the first ballot at the convention. But, in the historically unlikely event of a split convention, in which no candidate gets a majority of votes on the first ballot, all bets are off and all delegates are free from that point forward to vote for any candidates they want, without regard to the results of the North Carolina primary.

In 2012, by the way, North Carolina will hold a Presidential Preference Primary for the Libertarian Party along with the Democrats and Republicans.

Links

- www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=163-209
- www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=163-213.8
- www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=163-213.4