

**SENATOR AMY KLOBUCHAR
REGIONAL PRESIDENTIAL PRIMARIES
TESTIMONY**

September 19, 2007

Thank you, Madam Chairman, for holding this timely hearing on the Regional Presidential Primary and Caucus Act of 2007, and for inviting me to testify.

I am honored that your committee is considering this vital issue, and I'm happy to have this opportunity to testify about the bill that I introduced along with Senator Alexander and Senator Lieberman.

Madam Chairman, our presidential primary system is broken. It's time to stop the primary arms race.

Each individual in this country should have voice in electing the President of the United States—a voice that begins with selecting the candidates through primaries and caucuses in each state.

A vast number of voters in many states across the nation, however, have lost their voice in the presidential primary selection process, because of its drastically altered calendar.

Currently, we're in a race where each state is trying to leapfrog the next, as all the states vie to hold the earliest primary. The voters of each state no longer have a say,

unless they are able to compete with the slew of other states pushing their primaries earlier and earlier.

The presidential primaries and caucuses are turning out to be, to quote an editorial in a San Antonio paper, “a big mess.”¹ And reforming this “mess” is long over-due.

This legislation would not take effect until 2012, but the primary season now underway shows why this reform is needed:

In the 2008 primary season, at least 26 states will hold primaries or caucuses by the first Tuesday in February—a huge increase from the 9 primaries held by the first Tuesday in February, often called “Super Tuesday,” in the 2004 primary cycle.

Now 19 states are holding primaries or caucuses on the first Tuesday of February in 2008.

Many states have felt forced to move their primaries up to this date for fear of being “left out in the cold” if they wait any longer.²

New Jersey moved its primary to February 5th because, in the words of its state Senate President, “it’s time we

¹ Editorial, *Presidential Primary System Needs Reform*, San Antonio Express-News, June 16, 2007.

² Lucas L. Johnson, *Presidential Primary Would be Week Earlier Under Advancing Bill*, Associated Press (Nashville, TN), Mar. 6, 2007.

stopped being the Rodney Dangerfield of presidential primaries.”³

This current “system” undermines the spirit of the primary process. It will turn our primaries and caucuses into a tarmac campaign, with candidates forced to partake in a blitzkrieg campaign strategy across the entire country. Candidates will fly from airport to airport and appear on television, but will have little opportunity for meaningful, targeted discussions with voters.

That might be suitable for the last week of a general election campaign but not our primaries and caucuses.

Voters will also be forced to vote on dates long before they traditionally paid attention to presidential politics and before they may be ready to do so.

It’s time to de-escalate the primary arms race. Senators Alexander, Lieberman, and I seek to give order to this chaotic, messy, and unrepresentative process.

The states cannot solve this problem individually. As the current scramble shows, each state knows that if it holds its primary at a later date, it will be disadvantaged by states that go earlier.

³ Ronald Smothers, *New Jersey Moves to Join Early Presidential Primaries*, New York Times, Feb. 27, 2007 (quoting Richard J. Codey).

Congress has the constitutional authority to take this action. The Supreme Court has recognized “broad congressional power” over presidential elections and has recognized that this power extends to presidential primaries.⁴ This bill is tied to Congress’s clearest power over presidential elections—its express, constitutional power to “determine the *Time* of chusing the Electors.”⁵ In fact Justice Scalia, in an article written when he was a law professor, said that this congressional power means that “Congress must have at least authority to specify the *dates* of primaries.”⁶

So Congress is empowered to create an orderly process that brings a voice back to every state.

To do this, we propose that, during each presidential election, a different region of the country have the chance to host the first primaries and caucuses.

These four geographic regions—West, Midwest, South, and East—will each have 12 or 13 states, and relatively the same number of electoral votes.

One region would be selected through a lottery system to go first for the 2012 primaries—holding their primaries on the first Tuesday of March (or anytime in the following week).

⁴ *Buckley v. Valeo*, 424 U.S. 1, 13 n.16, 90 (1976).

⁵ U.S. Const., art II, § 1 (emphasis added).

⁶ Antonin Scalia, *The Legal Framework for Reform*, 4 *Commonsense* 40, 46-48 (1981) (emphasis in original).

The states in the next region would hold their primaries on the first Tuesday of April; the next region on the first Tuesday of May; and the final region would hold primaries on the first Tuesday in June. The order of the regions would rotate with each presidential election.

This also decompresses a system that, in its current form, is disorganized and haphazard. It brings greater predictability to the voters with a balanced, orderly sequencing of primaries and caucuses. And with that, greater opportunity for meaningful choice in presidential candidates.

This bill does not forget the importance of face-to-face, door-to-door, and neighborhood-to-neighborhood campaigning that the early primaries in New Hampshire and caucuses in Iowa provide, something my two colleagues have so enjoyed in their own presidential campaigns, and I know will never forget.

The Iowa caucus and New Hampshire primary hold an obvious historical significance, but they also represent grass-root efforts that can only be accomplished on a smaller scale, and with a smaller population. As candidates meet with communities on a very intimate level in these states, the voters of the entire country are able to watch—and get to know the candidate on a level that is difficult to replicate in a multi-primary system.

Regional primary plans, combined with several small-state primaries, have been gaining wide-spread support,

particularly by the National Association of Secretaries of States—a group equally frustrated with states clamoring to schedule earlier primaries.

Without reform to the primary selection process, we risk losing the founding principle of the democratic process—giving the voters in every state a voice in the electoral process.

Regional presidential primaries provide a viable solution to what is likely going to become a debilitating primary process to the presidential candidates of the future. I am proud to be part of this tri-partisan effort.