

THE MCGOVERN-FRASER COMMISSION REPORT (1971)

The McGovern-Fraser Report was commissioned by the Democratic Party in the wake of the party's tumultuous 1968 convention. The recommended reforms—quickly adopted by the party—aimed to maximize popular participation in the selection of convention delegates and to ensure that the candidate preferences of the party “rank-and-file” were reflected at future conventions.

A-5 Existence of party rules

...In order for rank-and-file Democrats to have a full and meaningful opportunity to participate in the delegate selection process, they must have access to the substantive and procedural rules which govern the process. In some States the process is not regulated by law or rule, but by resolution of the State Committee and by tradition. In other States, the rules exist, but generally are inaccessible. In still others, rules and laws regulate only the formal aspects of the selection process (e.g., date and place of the State convention) and leave to Party resolution or tradition the more substantive matters (e.g., intrastate apportionment of votes; rotation of alternates; nomination of delegates).

The Commission believes that any of these arrangements is inconsistent with the spirit of the Call in that they permit excessive discretion on the part of Party officials, which may be used to deny or limit full and meaningful opportunity to participate. Therefore, the Commission requires State Parties to adopt and make available readily accessible statewide Party rules and statutes which prescribe the State's delegate selection process with sufficient details and clarity....

Furthermore, the Commission requires State Parties to adopt rules which will facilitate maximum participation among interested Democrats in the processes by which National Convention delegates are selected. Among other things, these rules should provide for dates, times, and public places which would be most likely to encourage interested Democrats to attend all meetings involved in the delegate selection process.

The Commission requires State Parties to adopt explicit written Party rules which provide for uniform times and dates of all meetings involved in the delegate selection process. These meetings and events include caucuses, conventions, committee meetings, primaries, filing deadlines, and Party enrollment periods. Rules regarding time and date should be uniform in two senses. First, each stage of the delegate selection process should occur at a uniform time and date throughout the State. Second, the time and date should be uniform from year to year....

B-2 Clarity of purpose

An opportunity for full participation in the delegate selection process is not meaningful unless each Party member can clearly express his preference for candidates for delegates to the

National Convention, or for those who will select such delegates. In many States, a Party member who wishes to affect the selection of the delegation must do so by voting for delegates or Party officials who will engage in many activities unrelated to the delegate selection process.

Whenever other Party business is mixed, without differentiation, with the delegate selection process, the Commission requires State Parties to make it clear to voters how they are participating in a process that will nominate their Party's candidate for President. Furthermore, in States which employ a convention or committee system; the Commission requires State Parties to clearly designate the delegate selection procedures as distinct from other Party business....

B-6 Adequate representation of minority views on presidential candidates at each stage in the delegate selection process

The Commission believes that a full and meaningful opportunity to participate in the delegate selection process is precluded unless the presidential preference of each Democrat is fairly represented at all levels of the process. Therefore, the Commission urges each State Party to adopt procedures which will provide fair representation of minority views on presidential candidates and recommends that the 1972 Convention adopt a rule requiring State Parties to provide for the representation of minority views to the highest level of the nominating process.

The Commission believes that there are at least two different methods by which a State Party can provide for such representation. First, in at-large elections it can divide delegate votes among presidential candidates in proportion to their demonstrated strength. Second, it can choose delegates from fairly apportioned districts no larger than congressional districts....

C-4 Premature delegate selection (timeliness)

The 1968 Convention adopted language adding to the Call to the 1972 Convention the requirement that the delegate selection process must begin within the calendar year of the Convention. In many States, Governors, State Chairmen, State, district and county committees who are chosen before the calendar year of the Convention, select—or choose agents to select—the delegates. These practices are inconsistent with the Call.

The Commission believes that the 1968 Convention intended to prohibit any untimely procedures which have any direct bearing on the process by which National Convention delegates are selected. The process by which delegates are nominated is such a procedure. Therefore, the Commission requires State Parties to prohibit any practices by which officials elected or appointed before the calendar year choose nominating committees or propose or endorse a slate of delegates—even when the possibility for a challenge to such slate or committee is provided.

When State law controls, the Commission requires State Parties to make all feasible efforts to repeal, amend, or modify such laws to accomplish the stated purpose....