

RCP Analyst: GOP May Change Rules

David Byler, an elections analyst for Real Clear Politics, wrote Monday morning that the Republican Party's rules won't result in a convention disaster.

That's because Rule 40(b)—otherwise referred to simply as “Rule 40”—is a temporary rule that can be arbitrarily changed by the party leading up to the Republican National Convention (RNC) next summer in Cleveland. Currently, Rule 40 requires a candidate have a majority of the delegates from at least eight states to be eligible for the presidential nomination.

“I won't get into all of the specifics on how and why the rule was adopted, but its current form came about in 2012 when the Republican National Committee was trying to limit the visibility and power of libertarian-minded Texas Rep. Ron Paul at the convention and thus present a unified front behind Mitt Romney, the presumptive nominee,” he wrote.

With a crowded and well-funded field, he added, it's easy to envision a scenario where no candidate meets the requirement, leading to a nasty battle at the convention. But, Byler said it's more likely the RNC would change the rule before the convention—the same way and for the same reason it did so in 2012.

“For instance, suppose that Florida Sen. Marco Rubio secures enough delegates to win the nomination (1,237) as well as a majority in 20 different states, while Texas Sen. Ted Cruz is second in the delegate count and holds a majority in 10 states,” he wrote. “In that scenario, the RNC might make the threshold 15 states, thus disqualifying Cruz and avoiding a convention where a large number of Republicans vote against their nominee.”

He also painted a different picture: where no candidate has the crossed the 1,237 threshold heading into the convention but each of the leading candidates, and does not have a majority of the delegates in enough states.

“Realizing that a floor fight is inevitable, the RNC could decide that the best thing to do is reduce the state minimum to seven, thus managing the fight in a way that gives each of the leading factions a voice and decreases the risk of anyone bolting the party,” he wrote.