

Who Can be Nominated? Ask the GOP Rules Committee

Whether the convention will be a fight between Trump and Cruz – or a battle between all comers – will be decided by 112 party activists.



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He's 36 years old, the father of three, practices law in the county seat of Beadle County, South Dakota – and is about to become one of the 112 most popular and influential Republicans on the planet.

Meet David Wheeler, among the first members to be named to the 2016 Republican Convention Rules Committee, the once-obscure group charged with deciding how and, more important, who, can be nominated for the presidency at this July's convention in Cleveland.

That, in fact, was the reason Wheeler decided to run for the post. He hadn't even been born at the time of the last contested convention, and had only read in history books about when incumbent President Gerald Ford held off a challenge from Ronald Reagan in 1976.

“I could tell that this convention was going to be different from any other election that I’ve been alive for,” Wheeler said.

With a strong possibility that even leading candidate Donald Trump will not reach the 1,237 delegates needed to secure the nomination by the end of primary season, this year’s Republican convention is almost certain not to be the scripted, made-for-TV pep rally like the last nine gatherings. “This type of convention, it might not happen again in my lifetime,” he said.

Wheeler and the 111 others on that committee represent perhaps the least understood cog in the party nominating machinery. While all 2,472 delegates vote on candidates for the nomination, it’s the much smaller subset of delegates on the Convention Rules Committee who will craft the procedures on who can even be nominated in the first place. One of the first things they will consider is the until-recently forgotten Rule 40(b), which could determine whether a contested convention will be a fight between Trump and Ted Cruz – or open to all comers.

And while candidates alternately rail against the party “establishment” or court its favor, the Convention Rules Committee is structurally distinct from the Republican National Committee. Its members are drawn from the convention delegations coming from the 56 states and territories. Each delegation –whether it’s the nine delegates from American Samoa or the 172 from California – elects one male and one female member to serve on the committee.

But unlike the RNC, which is dominated by longtime party insiders, the convention delegates more closely reflect the party’s local activists – members of boards and commissions, grassroots organizers, and others for whom attending the national convention is a big, and expensive, deal.

Wheeler, a second term member of his hometown Huron School Board (total enrollment: 2,155), said that cost was a big reason he didn’t have that hard of a battle to become a delegate: There just are not that many Republicans in eastern South Dakota who can drop a few thousand dollars on a political convention. In fact, when Wheeler realized that serving on the Convention Rules Committee would mean also missing work for the week prior to the convention, spending another thousand on hotel and meals, and leaving his wife alone with their 6-, 3- and 1-year-olds, he almost backed out.

“She’s not thrilled with my being away for that length of time,” he said. “But she knows that it’s important to me to be part of the process, and so

she's indulging me.”

He and fellow South Dakotan delegate Sandye Kading are among the first to be named to the committee, a result of Republicans there holding their convention late last month. Colorado Republicans are holding their state convention to name delegates this weekend, while the earliest the New York and Virginia delegations can choose Convention Rules Committee members will be late May.

Rule 40(b) was passed at the last convention by Mitt Romney supporters to shut down the candidacy of Ron Paul. It prevents candidates who do not have majority support from at least eight delegations from even being nominated. If re-adopted, it would prevent anyone other than current delegate leaders Trump and Cruz from being nominated, which is why both are arguing that it should be kept in place. It would dash the hopes of John Kasich and party pros who would like to nominate a “white knight” such as Paul Ryan or Scott Walker.

“They want to change the rules to try to parachute in some candidate who hasn't earned the votes of the people,” Cruz said on Hugh Hewitt's radio show. “That is nothing short of crazy.”

In an op-ed published in the pro-Trump Breitbart web site, Trump advisor Roger Stone went even further. “Republican state chairs are planting Trojan horse delegates into slots won by Trump on the first ballot to vote with them on procedural votes to pass the rules and credentials reports that will seal the ‘Big Steal,’” Stone warned.

The front-running candidates' desires notwithstanding, Wheeler said his inclination is to relax the eight-state threshold to make it easier for others to be considered. He said he personally wants to nominate someone who can win in November, but will be also be influenced by who wins his state's winner-take-all primary in June and who is best for the future of his party. And while his vote as a delegate is bound on the first ballot, after that he will be his own man. “We're free agents after that one ballot,” he said.

As to who he's leaning toward, Wheeler said he's probably better off keeping that to himself for now. “There's already enough about how that committee is going to operate. I don't want to publicly say who I'm supporting.”

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