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THE CURRENT: With Sanders out, what's next for the Democratic presidential race?

Wednesday, April 8, 2020

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PITA: You're listening to The Current, part of the Brookings Podcast Network. I'm your host, Adrianna Pita.

On Wednesday, Sen. Bernie Sanders withdrew his campaign to be the Democratic nominee for president in the 2020 election, leaving former Vice President Joe Biden now as the presumptive nominee. With us to discuss Sanders' effect on the Democratic race, as well as current state of elections and voting during the coronavirus pandemic is John Hudak, senior fellow and deputy director of the Center for Effective Public Management. John, thanks for talking to us today.

HUDAK: Thanks for having me back.

PITA: If we look back to 2016, we remember that Senator Sanders stayed in the Democratic primary race for a long time even after it seemed pretty clear that Secretary Clinton had secured the nomination. This year of course there's all the public health considerations that mean candidates can't hold rallies and do any kind of in-person voter outreach. Is that the foremost factor that led him to concede now rather than still staying in the race for a longer period?

HUDAK:I think there's a few factors that pushed Bernie Sanders to come to the decision he made ultimately to suspend his campaign. First, yes, I think the current pandemic is one that's making presidential campaigning much harder. If you look at the polls during the time since essentially America went into lockdown, the polling between Biden and Sanders has just widened, meaning that Sanders' efforts to change the nature of the campaign really was for nil during this time. And it's likely that he would not have much of an effect moving forward. What's more, and I think what makes this race a little bit different than the 2016 race, is Joe Biden is actually in a bit of a better position now than Hillary Clinton was at this time in 2016. That is due in part to the races that he has won thus far. It's also due in part to the fact that, ironically, Senator Sanders sought to do away with many superdelegates. Toward the end of the campaign in 2016, it was the Sanders campaign asking superdelegates to change their votes because Hillary Clinton, though she won a plurality of the primary vote, did not win a majority of the primary vote, and it was the popular vote. So, I think that for Senator Sanders, he's looking at the data and the evidence and he realized it was just not possible for him to change the race in any meaningful way.

PITA: What can you tell us about the effect that he and his policy ideas – along with fellow progressive Elizabeth Warren – had on the race writ large?

HUDAK: I think Senator Sanders and Senator Warren, and frankly other voices within the party even among people who did not run for president, had such a significant effect on just the way in which Democrats talk about policy. Senator Sanders has made Medicare-for-All a more mainstream Democratic position – not necessarily one that everyone is embracing, but more mainstream than it was previously. And while not every Democrat embraces that policy, or embraces the Green New Deal, or

other programs and policy proposals that are very progressive, it has pushed more moderate Democrats to talk about similar alternatives. So, instead of Medicare-for-All, you have Democrats talking about universal coverage and the ways to get there without necessarily a government-run system. You have Democrats talking in much greater detail about addressing climate change even if they're not embracing the specifics of the Green New Deal. So, while that effect I think sometimes can be understated, because again, not everyone supports the big-ticket policies, the nature of the conversation in the Democratic Party has changed significantly because of the party's progressive leaders.

PITA: And have we seen any shift in Joe Biden's policies in particular? Have they responded at all to the more progressive wing of the party?

HUDAK: Absolutely. When you look at Joe Biden's policies, they've shifted a bit even during this campaign. It's important to remember Joe Biden has been in national-level politics for almost 50 years now. And like most people who are in politics that long, and even among individual voters with their own policy views, things change, ideas change, minds change. And we've seen a real evolution in Joe Biden since he was a senator, even since he was vice president, and even since he declared he was a presidential candidate this year. On issues of health care, on issues of education, on issues of drug policy and criminal justice reform, you're starting to see Joe Biden start to move in a more progressive direction. That's in part I think because he recognizes that he needs Bernie Sanders voters if he is to become the next president of the United States. But I think too, there's some genuine aspect of Joe Biden recognizing that his past positions are very much out of step with the party as a whole, and not just Bernie Sanders voters, and he has to start to think differently about the effects of his ideas on specific communities, whether it's students, whether it's women, whether it's people of color, whether it's individuals who are or were incarcerated, and that's starting to have an effect on his campaign and his conversation with the American public.

PITA: The Democratic National Convention has already been moved to August in response to the public lockdown. Of course, what happens then is going to depend on what the public health situation is then, but does having a settled presumptive nominee make it easier if the party decides that they need to have more of a virtual convention? What might that look like?

HUDAK: Yeah, absolutely having a presumptive nominee helps with the conversations around the details of the convention. Typically, the details of the convention are largely selected by the nominee. Those details are as mundane as the color of the balloons that'll fall from the ceiling, and as broad in magnitude as you can imagine. Part of that would involve the manner in which each day's events would happen but also something as serious as whether to have a virtual convention. If this were still a competitive primary and if this were going to end up being a brokered convention, the decision to make that remote would be a very challenging one for the Democratic National Committee. So, having this settled now will make it easier if the DNC and/or Vice President Biden decide that the public health risks of an in-person convention are too high to host it in Milwaukee in August. It creates, I think, a better environment to make the right decision instead of what may be the more politically expedient decision.

PITA: Looking at the remaining primaries that still remain, Tuesday saw a really controversial primary proceed in Wisconsin. Propositions had been put forward to either move the date of the primary, or to extend the date for submitting absentee ballots in response to concerns about people coming out to vote during a public health crisis. There were two court cases that came in right at post time – one from the Wisconsin State Supreme Court and one from the U.S. Supreme Court – that meant that the primary went forward as originally scheduled. This resulted long lines of voters and poll workers gloved and masked and a lot of public anger. Can you tell us about these court cases and why the primary ultimately went on?

HUDAK: I'll start with the last part of your question. The primary went on in large part because of a lack of leadership in the state of Wisconsin. I think the state legislature, which is controlled by Republicans, let the state down in choosing not to do anything with the special session that was called.

And I think the governor of Wisconsin, who is a Democrat, really was not vocal enough and didn't show enough early on about his desire to have that primary moved. A lot of this happened last minute, and that was unfair to voters and really it was unsafe to voters. Ultimately, Governor Evers, the Wisconsin governor, signed an executive order to suspend the primary and to move it later. Unfortunately, the governor of Wisconsin does not have the power to do that by executive order, and so of course it faced court challenges. The Wisconsin Supreme Court, and ultimately the United States Supreme Court, ruled that the primary had to happen on the date it was scheduled, because that date was scheduled by law, by law passed by the legislature and signed by the previous governor. So, this set up a scenario in which Wisconsinites had to go to the polls during a pandemic, huddle in preferably not-close quarters – social distance quarters – but still having to go out.

And in a lot of places they found it challenging to figure out even where you needed to vote, where you were able to vote. In Milwaukee, for instance, the state's largest city, and certainly with the largest number of Democrats who would be voting in the Democratic primary, you saw what would normally have been over 180 polling stations reduced to just five. It created a nightmare scenario for that state, for the administration of its election, and for voters who risked their own health and safety to go out and vote. I think it's going to generate a conversation in a lot of states, not just Wisconsin, but in a lot of states about how to have procedures in place in case something like this happens again and certainly how to manage an election just a few months away in November when we select a president.

PITA: Are there going to be ripple effects from these decisions on either the remaining primaries, or then looking forward to November?

HUDAK: I think there's going to be two pretty serious effects moving forward. The first, that the U.S. Supreme Court has shown that they're not going to operate in interpreting the law in a unique way simply because of the pandemic. They are going to follow the letter of the law and they are going to interpret the election laws of the states accordingly. I think that there are plenty of reasons why people would have wanted a court to rule in a manner that would protect public health and public safety in the midst of a pandemic, but ultimately the court chose not to do that. I think it's a signal to a lot of states, governors, election administrators, that this is what the legal landscape looks like moving forward. The Wisconsin election signals more broadly to states that problems can arise in an unexpected way and that preparations need to be made. So, you're going to see states make changes – whether those changes are done by governor's order, whether it requires a state legislature to make those changes – to make voting more accessible particularly in a period of crisis.

I think you're going to see a lot of challenging situations. We have a lot of state legislatures in this country that meet part-time. The legislature in Nevada, for instance, met from January to May of this year, and it will not meet again unless it's called into a special session, until after the election. So, these states really need to think carefully and critically and seriously about the administration of the election in November, but also about the administration of elections moving forward, because crises like these will come up again, and states need to be better prepared.

PITA: All right. John, thanks very much for explaining this to us today.

HUDAK: Thank you.