

AS ORIGINALLY PUBLISHED IN NEW YORK DAILY NEWS

JANUARY 5, 2012

Iowa in perspective: The delegate math is what matters most

By Jerry H. Goldfeder

Now that the Iowa near tie has set in, let's put it in some electoral perspective. Not since the Mayor of Irvington, New York, was "elected" by picking a lucky coin out of a hat have we seen a tie vote in New York. That was 2005, the very same year a tie was broken for Cold Spring Trustee in Putnam Valley by seeing who drew the longer Brooks Brothers collar stay. No need to resort to such unconventional rituals in the Hawkeye State — after all, eight votes is still a clear win. And no recount was even necessary.

And that's the dirty secret here. After putting aside the importance of bragging rights, there were no delegates at stake. None. Iowa's caucus was only a straw poll. And the voting was not even confined to "real" Republicans. Any Democrat or Independent voter was able to register as a Republican, even for the day, and vote in the caucus.

So, in a contest for the nomination, where 1,144

delegates are needed to win, the Iowa vote did not actually move the ball. Sure, Mitt Romney got out of the gate with a decent start, Michele Bachmann dropped out, Rick Santorum became a player and Rick Perry looks weaker.

But even in a world where poll numbers, money and expectations are of great significance, candidates who forget the Democratic race in 2008 do so at their own peril: It is the slow and steady accumulation of delegates that wins the day. Ask Hillary Clinton. When Barack Obama, during the cold month of February four years ago, inched forward after two dozen caucuses and primaries, he took the delegate lead and never lost it.

This year, it appears that several Republican candidates have the potential to make it a months-long race. No doubt, some might even dream of a nomination going all the way to the convention, as it did during the Ford-Reagan slugfest at the Republican Convention in 1976.

The New Hampshire vote, like Iowa's, also allows Independents to register as Republicans and vote in the primary. The state has 12 delegate votes at stake, but awards its delegates in proportion to the vote totals. There will be no knock-out punch on the delegate vote there.

South Carolina, with 25 delegates up for grabs on Jan. 21, is a modified, winner-take-all primary, awarding delegates to the highest vote-getters in congressional districts as well as in the state-wide vote. While there will be a clear winner that night, the candidates will have to worry about getting Democrats and Independent voters to succeed — because in that state any registered voter may cast a ballot for president in the Republican primary. That won't change the raw math, but might affect Republican voters down the line in uncertain ways.

Only when we get to Florida on the last day of January will there be a winner-take-all primary which

is restricted to Republicans. By then, "Big Mo," as George H.W. Bush used to refer to big momentum, may be the dominant news story. But voters are funny about retaining their options until they actually cast a ballot. Perhaps, then, only after Florida will we see a real front-runner in the race for delegates.

Keep your scorecards at the ready.

[Jerry H. Goldfeder](#) is an election lawyer at Stroock & Stroock & Lavan LLP in Manhattan, and teaches "Election Law and the Presidency" at the University of Pennsylvania Law School and Fordham Law School. He is the author of "Goldfeder's Modern Election Law."

For More Information

[Jerry H. Goldfeder](#)

212.806.5857

jgoldfeder@stroock.com

New York

180 Maiden Lane
New York, NY 10038-4982
Tel: 212.806.5400
Fax: 212.806.6006

Los Angeles

2029 Century Park East
Los Angeles, CA 90067-3086
Tel: 310.556.5800
Fax: 310.556.5959

Miami

Southeast Financial Center
200 South Biscayne Boulevard, Suite 3100
Miami, FL 33131-5323
Tel: 305.358.9900
Fax: 305.789.9302

www.stroock.com

This publication may be attorney advertising.
Prior results do not guarantee a similar outcome.

Reprinted with permission from the January 5, 2012 issue of *New York Daily News*. Further duplication without permission is prohibited. All rights reserved. This Stroock publication offers general information and should not be taken or used as legal advice for specific situations, which depend on the evaluation of precise factual circumstances. Please note that Stroock does not undertake to update its publications after their publication date to reflect subsequent developments. This Stroock publication may contain attorney advertising. Prior results do not guarantee a similar outcome.

Stroock & Stroock & Lavan LLP is a law firm with a national and international practice serving clients that include investment banks, commercial banks, insurance and reinsurance companies, mutual funds, multinationals and foreign governments, industrial enterprises, emerging companies and technology and other entrepreneurial ventures. For further information about *Stroock Special Bulletins*, or other Stroock publications, please contact Richard Fortmann, Senior Director-Legal Publications, at 212.806.5522.