

# Women and the Presidency

By Cynthia Richie Terrell\*

## I. Introduction

As six women entered the field of Democratic presidential candidates in 2019, the political media rushed to declare 2020 a new “year of the woman.” In the *Washington Post*, one political commentator proclaimed that “2020 may be historic for women in more ways than one”<sup>1</sup> given that four of these woman presidential candidates were already holding a U.S. Senate seat. A writer for *Vox* similarly hailed the “unprecedented range of solid women” seeking the nomination and urged Democrats to nominate one of them.<sup>2</sup> *Politico* ran a piece definitively declaring that “2020 will be the year of the woman” and went on to suggest that the “Democratic primary landscape looks to be tilted to another woman presidential nominee.”<sup>3</sup> The excited tone projected by the media carried an air of inevitability: after Hillary Clinton lost in 2016, despite receiving 2.8 million more popular votes than her opponent, ever more women were running for the presidency.

There is a reason, however, why historical inevitability has not yet been realized. Although Americans have selected a president 58 times, a man has won every one of these contests. Before 2019, a major party’s presidential debates had never featured more than one woman. Progress toward gender balance in politics has moved at a glacial pace. In 1937, seventeen years after passage of the Nineteenth Amendment, Gallup conducted a poll in which Americans were asked whether they would support a woman for president “if she were qualified in every other respect?”<sup>4</sup>

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<sup>1</sup> Jamie Stiehm, *2020 May be Historic for Women in More Ways Than One*, WASH. POST (Feb. 10, 2019), [https://www.washingtonpost.com/opinions/2020-may-be-historic-for-women-in-more-ways-than-one/2019/02/10/cf43698e-2bcf-11e9-b2fc-721718903bfc\\_story.html](https://www.washingtonpost.com/opinions/2020-may-be-historic-for-women-in-more-ways-than-one/2019/02/10/cf43698e-2bcf-11e9-b2fc-721718903bfc_story.html).

<sup>2</sup> Matthew Yglesias, *The Case for Making 2020 the Real Year of the Woman*, VOX (May 21, 2019), <https://www.vox.com/policy-and-politics/2019/3/21/18273565/women-president-2020-electability>.

<sup>3</sup> Bill Scher, *Why 2020 Will Be the Year of the Woman*, POLITICO (Nov. 24, 2017), <https://www.politico.com/magazine/story/2017/11/24/2020-year-of-woman-democrats-post-weinstein-kamala-harris-klobuchar-gillibrand-warren-215860>.

<sup>4</sup> See Matthew J. Streb, Barbara Burrell, Brian Frederick & Michael A. Genovese, *Social Desirability Effects and Support for a Female American President*, 72 PUB. OP. Q. 76, 77 (2008).

Only 33% of Americans said they were prepared to vote for a woman president at that time.<sup>5</sup> In 2012, by contrast, 95% of Gallup's respondents said they would vote for a woman president.<sup>6</sup> Now that almost all Americans are willing to cast a ballot for a woman, what will it take to elect a woman to the nation's highest office? More importantly, how can women's success in politics be sustained?<sup>7</sup> The goal of the women's movement is not just to shatter the presidential glass ceiling. Rather, it is to design structural reforms that will create a continuous stream of women candidates from both major parties who can win major political races year after year. Real equality for women candidates will only be achieved when women's success at the polls becomes routine.

The media's focus on the growing number of women on the presidential debate stage in 2019 and 2020 masks the structural inequities of our political system, which remain heavily tilted toward men at every level of government. Overwhelming evidence suggests that women face an uphill battle in the U.S. political system. Until we fix the rules of the game, we will not change the outcome.<sup>8</sup> For women to be considered viable candidates for the presidency, we need more women to be elected at all levels of government and across the partisan spectrum. To make Americans accustomed to having women in power, we need to pay special attention to executive offices. However, the goal of the women's movement in politics is not to elect *one* woman as president. Rather, it is to create a political system that equitably elects women up and down the ballot. Nothing less than fixing the system itself will accelerate progress. Structural reforms are needed to address cultural barriers and mitigate the differences in the genders' aspirations for political office. More women will be encouraged to pursue a career in politics if they see other women with similar qualifications and backgrounds serving in office. In turn, more women in office are needed to advance reforms that make it easier for future women candidates to succeed.

This chapter looks at the women who have run for the presidency and vice presidency of the United States. Some of these women were qualified candidates who were never given a fair shot. Others were people who should never have sought executive office in the first place. After examining this history, this chapter provides a closer examination of the structural barriers that women in the United States face in politics, as well as the innovative strategies that will enable

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<sup>5</sup> *Id.*

<sup>6</sup> Jeffrey M. Jones, *Gender Gap in 2012 Vote Is Largest in Gallup's History*, GALLUP (Nov. 9, 2012), <https://news.gallup.com/poll/158588/gender-gap-2012-vote-largest-gallup-history.aspx>.

<sup>7</sup> At the state level, after all, an elected woman governor has been succeeded by another elected woman governor only once. See *History of Women Governors*, CTR. FOR AM. WOMEN & POL., RUTGERS UNIV. (last accessed on Sept. 17, 2019), <https://cawp.rutgers.edu/history-women-governors>.

<sup>8</sup> For example, political parties and other gatekeepers recruit fewer women candidates to run for office in winnable districts, while donors and political action committees (PACs) also give less money to women candidates. See generally CTR. FOR RESPONSIVE POL. ET AL., *INDIVIDUAL AND PAC GIVING TO WOMEN CANDIDATES* (Nov. 2016), [https://d3n8a8pro7vhmx.cloudfront.net/fairvote/pages/4542/attachments/original/1480388175/Giving\\_to\\_Female\\_Candidates\\_November\\_14\\_final\\_draft.pdf?1480388175](https://d3n8a8pro7vhmx.cloudfront.net/fairvote/pages/4542/attachments/original/1480388175/Giving_to_Female_Candidates_November_14_final_draft.pdf?1480388175).

more women to run, win, serve, and lead at all levels of government. These strategies include reforming how women's campaigns are financed, changing the candidate recruitment rules used by parties, implementing ranked choice voting, and promoting balanced media coverage. The strategies discussed in this chapter are designed to expand the pool of women candidates and to translate that success into the likelihood that a woman will eventually attain the highest office in the land.

## II. Women Candidates for the Presidency and Vice Presidency

### A. Notable Nineteenth Century Firsts

The first woman to have her name placed in a nomination contest for national executive office was Lucretia Mott.<sup>9</sup> A well-known abolitionist and women's rights activist, Mott's name was put forth as a vice presidential candidate by the Liberty Party in 1848. Of the 84 votes cast that year at the Liberty Party's nominating convention, Mott received five votes.<sup>10</sup> Though that was too few to be considered a serious contender, Mott received sufficient support to place her fourth at her party's presidential nomination contest, ahead of five other male candidates.<sup>11</sup>

Throughout her life, Mott was a strong orator and an influential leader, although her outspokenness against racism and gender injustice earned her criticism for behaving in ways that were considered inappropriate for women at the time. Such outspokenness stemmed from Mott's upbringing as a Quaker. Equality among all people is a core tenet of Quaker belief, and Mott's faith led her to a life of fighting for equal rights for women.<sup>12</sup> Mott's interest in the women's rights movement was sparked at the 1840 World Anti-Slavery Convention. It was there that Mott met women's rights activist Elizabeth Cady Stanton, and together they came up with the idea of holding a women's rights convention. Eight years later, in 1848, Mott and Stanton organized the Seneca Falls Convention in New York, where the American women's suffrage movement was born.

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<sup>9</sup> Walter Gable, *Timeline of Events in Securing Woman Suffrage in New York State*, THEHISTORYCENTER.NET (Feb. 2017), [https://thehistorycenter.net/sites/default/files/documents/updated\\_timeline\\_in\\_securing\\_woman\\_suffrage\\_in\\_nys.pdf](https://thehistorycenter.net/sites/default/files/documents/updated_timeline_in_securing_woman_suffrage_in_nys.pdf).

<sup>10</sup> *Lucretia Coffin Mott*, HERHATWASINTHERING.ORG, <http://www.herhatwasinthering.org/biography.php?id=4906> (last visited Sep. 15, 2019).

<sup>11</sup> *Id.*

<sup>12</sup> Mott was raised Quaker in Massachusetts and attended a Quaker boarding school in upstate New York. See Debra Michals, *Lucretia Mott*, NAT'L WOMEN'S HIST. MUSEUM (2017), <https://www.womenshistory.org/education-resources/biographies/lucretia-mott>.

In 1870, suffragist Victoria Woodhull became the first woman to become a political party's presidential nominee.<sup>13</sup> Woodhull was also the first woman who actively campaigned for the presidency. Woodhull announced her candidacy in April of 1870, in a letter published in *The New York Herald*.<sup>14</sup> In May of 1872, Woodhull was nominated for the presidency by the People's Convention of the Equal Rights Party.<sup>15</sup> According to an article published by *Woodhull & Claflin's Weekly*, her nomination was met with "thunderous" approval, and Woodhull accepted the party's support.<sup>16</sup> The Equal Rights Party nominated Frederick Douglass to be her running mate,<sup>17</sup> although it is unclear whether Douglass himself ever officially recognized his nomination.<sup>18</sup>

While many agree that Woodhull was the first woman to run for the presidency, some scholars nevertheless do not consider her to have been a true candidate because of her age. Woodhull was only 33 years old at the time of her nomination, whereas the Constitution requires the president to be 35.<sup>19</sup> Born on September 23, 1838, Woodhull would have been only 34 on election day (November 5, 1872) and on inauguration day (March 4, 1873), had she won.<sup>20</sup> In the end, many of the votes Woodhull received in the 1872 general election were not counted because of her gender, and the total she received remains unknown; it was likely a negligible number.<sup>21</sup>

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<sup>13</sup> See Jeff Wallenfeldt, *Who Was the First Woman to Run for President of the United States?*, ENCYCLOPAEDIA BRITANNICA, <https://www.britannica.com/story/who-was-the-first-woman-to-run-for-president-of-the-united-states> (last visited Sep. 15, 2019).

<sup>14</sup> Victoria C. Woodhull, *The Coming Woman*, N.Y. HERALD (April 2, 1870), [https://www.newspapers.com/clip/6836678/victoria\\_woodhull\\_announces\\_her/](https://www.newspapers.com/clip/6836678/victoria_woodhull_announces_her/) (last visited Sep. 25, 2019).

<sup>15</sup> *Spirit of the Press; Extraordinary Politics*, VICTORIA-WOODHULL.COM (May 11, 1872), <http://www.victoria-woodhull.com/wc060100.htm> (last visited Sep. 25, 2019).

<sup>16</sup> *Id.*

<sup>17</sup> Unlike Woodhull, Douglass's name was one of many brought forward at the national convention, and the half dozen or so speeches made on his behalf ultimately earned him the Equal Rights Party's vote. *Id.*

<sup>18</sup> It is uncertain whether Douglass ignored or declined the nomination. No one has been able to locate the letter he supposedly wrote to reject the party's nomination. See Mary L. Shearer, *Frequently Asked Questions About Victoria Woodhull*, VICTORIA-WOODHULL.COM, <http://www.victoria-woodhull.com/faq.htm#how> (last visited Sep. 25, 2019).

<sup>19</sup> U.S. CONST., art. II, § 1, cl. 5.

<sup>20</sup> See Shearer, *supra* note 18.

<sup>21</sup> Woodhull is not recorded to have received any electoral or popular votes. Election records show there were 2,000 "scattering votes," but it is unknown whether any were rightfully hers, as ballots at the time were printed by the individual parties. Some sources claim that the popular votes Woodhull received were discounted because of her gender, though this is again disputed, and the evidence of this is limited. See Maggie MacLean, *Victoria Woodhull*, EHISTORY, <https://ehistory.osu.edu/biographies/victoria-woodhull> (last visited Sep. 15, 2019).

For those who do not count Woodhull as the first woman to have run for president because of her age, Belva Lockwood is considered to be the first woman presidential candidate. Lockwood went to law school and was admitted to the bar in the District of Columbia, and before running for president Lockwood spent many years teaching.<sup>22</sup> In 1876, the Supreme Court refused to admit Lockwood to its bar because of her gender. Lockwood lobbied Congress to pass legislation that would allow her to be admitted to the Supreme Court bar, and she later became the first woman to argue before the Supreme Court. In 1884, Lockwood was nominated for the presidency by the Equal Rights Party and ran with Marietta Stow as her vice presidential running mate.<sup>23</sup> Lockwood launched her candidacy under the theory that although she could not legally vote, there was nothing in the law that prevented men from voting for her. She raised money for her campaign by delivering paid speeches. Lockwood succeeded in gaining ballot access in six states but garnered fewer than 5,000 votes in the general election.<sup>24</sup> In 1888, she ran again but received even fewer votes.<sup>25</sup>

## **B. Minor Party Women Candidates**

Lucretia Mott, Victoria Woodhull, and Belva Lockwood were all nominated for the presidency by minor political parties. Minor parties have demonstrated a particular willingness to nominate women candidates for the presidency and vice presidency, and they continued to do so regularly throughout much of the twentieth century. However, some of the women nominated by these parties were not strong candidates—and some were not serious candidates, either.

In 1940, comedian Gracie Allen announced her candidacy as a publicity stunt for her radio show, “The Burns and Allen Show.”<sup>26</sup> She ran as a member of the “Surprise Party,” and kept up the bit up for several months, until she gave a speech saying she would stop her campaign and let the serious candidates continue without her.<sup>27</sup> Despite the fact that she ran as a joke and discontinued her campaign, she received many write-in votes in the general election.<sup>28</sup>

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<sup>22</sup> *Id.* Jill Norgren, *Belva Lockwood: Blazing the Trail for Women in Law*, 37(1) PROLOGUE MAG. (2005), <https://www.archives.gov/publications/prologue/2005/spring/belva-lockwood-1.html>

<sup>23</sup> *Belva Ann Lockwood*, ENCYCLOPAEDIA BRITANNICA, <https://www.britannica.com/biography/Belva-Ann-Lockwood> (last visited Sep. 15, 2019).

<sup>24</sup> *See* Norgren, *supra* note 22.

<sup>25</sup> The exact number of votes earned by Lockwood in the second election is unclear, given the evidence. *See id.*

<sup>26</sup> Cristen Conger, *5 Strangest Political Parties*, HOWSTUFFWORKS.COM, <https://people.howstuffworks.com/5-strange-political-parties5.htm> (last visited Sep. 15, 2019).

<sup>27</sup> *Remembering Gracie Allen’s White House Run*, NPR (Nov. 4, 2008), <https://www.npr.org/templates/transcript/transcript.php?storyId=96588557>.

<sup>28</sup> *See* Josh Compton, *Political Humor on the Radio, Image Repair, and Gracie Allen’s 1940 Presidential Campaign*, 22 J. OF RADIO & AUDIO MEDIA 255, 255-258 (2015); *see also* DARRYL J. LITTLETON & TUEZDAE LITTLETON, *COMEDIENNES: LAUGH BE A LADY*, ch. 2 (2012);

In 1968, Charlene Mitchell became the first African-American woman to run for president, when she received the nomination of the Communist Party.<sup>29</sup> Mitchell's running mate was Michael Zagarell, the National Youth Director of the Communist Party.<sup>30</sup> Mitchell and Zagarell only gained ballot access in two states, and they received no more than 1,075 votes in the 1968 general election.<sup>31</sup> Unlike the campaigns of today, Mitchell's campaign was scaled down; she operated out of a bookstore in Boston and spoke at trade union meetings, on street corners, and in parks.<sup>32</sup>

In 1972, a woman received an Electoral College vote for the first time.<sup>33</sup> That year, Theodora "Tonie" Nathan was the vice presidential nominee of the Libertarian Party. A single faithless elector named Roger MacBride cast his vote for her to be vice president. Although a Republican from Virginia, MacBride chose to vote for Nathan and her presidential running mate John Hospers over Richard Nixon and Spiro Agnew.<sup>34</sup> Four years later, MacBride would change his party affiliation to Libertarian and become the Libertarian Party's presidential nominee.<sup>35</sup>

In 1972, Linda Jenness ran for the presidency as a member of the Socialist Workers Party. Despite being too young to be president constitutionally, Jenness made it onto the ballot in 25 states. She received fewer than 70,000 votes in the 1972 general election.<sup>36</sup> Her running mate was

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<sup>29</sup> Nadra Kareem Nittle, *Black Women Who Have Run for President of the United States*, THOUGHTCO.COM (Mar. 18, 2017), <https://www.thoughtco.com/black-women-who-have-run-for-president-4068508>.

<sup>30</sup> *Id.*

<sup>31</sup> Richard Winger, *Women Running for President in the General Election*, BALLOT ACCESS NEWS (Jan. 22, 2007), <http://ballot-access.org/2007/01/22/women-running-for-president-in-the-general-election/>.

<sup>32</sup> Nicholas Gagarin, *Charlene Mitchell*, HARV. CRIMSON (Nov. 5, 1968), <https://www.thecrimson.com/article/1968/11/5/charlene-mitchell-pbtbhe-frederick-douglas-book/>.

<sup>33</sup> *Libertarian Tonie Nathan, first woman in U.S. history to receive an electoral vote, dies at 91*, LIBERTARIAN (Mar. 20, 2014), <https://www.lp.org/blogs-staff-libertarian-tonie-nathan-dies-at-91/>.

<sup>34</sup> Brian Doherty, *Tonie Nathan, R.I.P. (The First Woman to Receive an Electoral Vote for Vice President)*, REASON (Mar. 20, 2014), <https://reason.com/2014/03/20/tonie-nathan-rip-the-first-woman-to-rece/>.

<sup>35</sup> *Libertarian Tonie Nathan*, *supra* note 33.

<sup>36</sup> Jone Johnson Lewis, *All the Women Who Have Run for President of the U.S.*, THOUGHTCO (Oct. 20, 2017), <https://www.thoughtco.com/women-who-ran-for-president-3529994>.

Andrew Pulley, a 22-year-old African-American man who helped organize G.I.s United Against the War in Vietnam.<sup>37</sup> Jenness also ran for governor of Georgia, her home state, in 1970.<sup>38</sup>

Civil rights advocate and Los Angeles community activist Margaret Wright ran for president as the nominee of the socialist People's Party in 1976. Wright's running mate was Dr. Benjamin Spock, who had been the People's Party's presidential candidate in the previous election.<sup>39</sup> Appearing on only six state ballots, Wright won 49,016 votes in the general election.<sup>40</sup>

Sonia Johnson, who founded Mormons for the Equal Rights Amendment, ran for president with the Citizens Party in 1984. The Mormon Church had excommunicated her in 1979 for her feminism and political activism. Nonetheless, Johnson got on the ballot in 20 states, received write-in votes in six states, and garnered 72,200 votes nationally in 1984 general election.<sup>41</sup>

In 1988, Lenora Fulani of Pennsylvania became the first African-American and first woman to gain ballot access in all 50 states for a presidential election. With Joyce Dattner as her running mate in most states and the New Alliance Party as her political affiliation, Fulani received 217,219 votes in the general election that year.<sup>42</sup> This is the fourth most votes ever cast for a woman presidential candidate in a general election. Fulani ran again in 1992, and this time received only 73,714 votes in the general election.<sup>43</sup> In both races, she qualified for federal matching funds.<sup>44</sup>

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<sup>37</sup> *1972 Campaign*, N.Y. TIMES (Oct. 29, 1972), <https://www.nytimes.com/1972/10/29/archives/other-presidential-aspirants-offer-wide-choice.html>.

<sup>38</sup> Judy Flander, *Another Woman's Hat in the Ring – Linda Jenness is the Socialist Party's Candidate for U.S. President*, MEDIUM (Jun. 19, 2017), <https://judyflander.org/another-womans-hat-in-the-ring-linda-jenness-is-the-socialist-party-s-candidate-for-u-s-3328e8b111d0>.

<sup>39</sup> Lewis, *supra* note 36.

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<sup>40</sup> Jacqueline Antonovich, *Rosie the Riveter for President: Margaret Wright, the People's Party, and Black Feminism*, NURSING CLIO (Nov. 8, 2016), <https://nursingclio.org/2016/11/08/rosie-the-riveter-for-president-margaret-wright-the-peoples-party-and-black-feminism/>.

<sup>41</sup> Lewis, *supra* note 36.

<sup>42</sup> *Lenora B Fulani*, CARRIE CHAPMAN CATT CTR. FOR WOMEN & POL., IOWA ST. UNIV., <https://awpc.cattcenter.iastate.edu/directory/lenora-b-fulani/> (last visited Sep. 15, 2019).

<sup>43</sup> John Paul Hill, *The New Alliance Party*, in ENCYCLOPEDIA OF AMERICAN POLITICAL PARTIES AND ELECTIONS 241, 242 (Larry J. Sabato & Howard R. Ernst eds., 2006).

<sup>44</sup> *Women Presidential and Vice Presidential Candidates: A Selected List*, CTR. FOR AM. WOMEN & POL., RUTGERS UNIV., [https://cawp.rutgers.edu/levels\\_of\\_office/women-presidential-and-vice-presidential-candidates-selected-list](https://cawp.rutgers.edu/levels_of_office/women-presidential-and-vice-presidential-candidates-selected-list) (last visited Sep. 15, 2019).

Cynthia McKinney, the first African-American woman to represent Georgia in Congress, ran as the presidential candidate of the Green Party in 2008. She received 161,797 votes in the 2008 general election.<sup>45</sup> Her political career began in 1986, when her father registered her as a candidate for the Georgia state house, without her knowing, and she won 20% of the vote against the incumbent. Two years later she became an at-large state representative in Georgia.<sup>46</sup>

The Green Party has been especially hospitable to women candidates. When Ralph Nader ran for president in 1996 and 2000 as the Green Party's nominee, his vice presidential running mate was Winona LaDuke. In 2000, LaDuke received 2.9 million popular votes in the general election, which is the most votes that any woman has received—apart from major party presidential and vice presidential nominees Hillary Clinton, Sarah Palin, and Geraldine Ferraro.

Sometimes, multiple women have sought the Green Party's nomination. Comedian Roseanne Barr ran as a Green Party candidate in 2012 but lost the nomination to Jill Stein. Barr then decided to run for president with the Peace and Freedom Party.<sup>47</sup> She received a total of 49,534 votes in the 2012 general election, placing her in sixth place in terms of the popular vote.<sup>48</sup> Her campaign was the focus of Eric Weinrib's documentary *Roseanne for President*.

Jill Stein ran for president as the Green Party's nominee in 2012 and 2016. She received 468,907 and 1.4 million popular votes in the general election, respectively. Despite running as the nominee of a minor party, Stein was one of the most successful woman presidential candidates in a general election. Originally from Chicago, Stein became involved with the anti-Vietnam War movement in the late 1960s while a student at Harvard University. Later, she became a doctor, and after treating patients with asthma, disabilities, cancer, and other ailments that she believed pollution caused, she became an environmentalist. In 1998, she campaigned to close five dirty coal plants in Massachusetts and eventually joined the Green Party. Stein spoke at a rally for Ralph Nader in 2000, after which the Green Party asked her to run for governor of Massachusetts. Stein lost, but the experience led her to run as a Green Party candidate in eight other elections.

It is disputed whether Stein was a spoiler in the 2016 presidential election. Although she did well in states like Michigan and Wisconsin, where Trump won by a very small margin, it is not clear whether Stein's voters would have voted for Clinton, Trump, or neither had Stein not

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<sup>45</sup> 2008 Presidential Popular Vote Summary, FED. ELECTION COMM., <https://transition.fec.gov/pubrec/fe2008/tables2008.pdf> (last visited Sep. 15, 2019).

<sup>46</sup> McKinney, Cynthia Ann, HISTORY, ART & ARCHIVES, U.S. HOUSE OF REP., <https://history.house.gov/People/Detail/17982#biography> (last visited Sep. 15, 2019).

<sup>47</sup> Larry Fitzmaurice, *Remember When Roseanne Ran for President?*, VULTURE (Apr. 6, 2018), <https://www.vulture.com/2018/04/remember-when-roseanne-ran-for-president.html>.

<sup>48</sup> Cavan Sieczkowski, *Roseanne Barr Places 6th In Presidential Election*, HUFF. POST (Nov. 7, 2012), [https://www.huffpost.com/entry/roseanne-barr-president-fifth-place-presidential-election-2012\\_n\\_2088588](https://www.huffpost.com/entry/roseanne-barr-president-fifth-place-presidential-election-2012_n_2088588).



run.<sup>49</sup> Her campaign in 2016 also received criticism because of its relationship with the Russian media group *Russia Today*, which was the only news network to cover Stein's candidacy consistently.<sup>50</sup> Despite Stein's many electoral losses, she received the second and third most votes of all women presidential candidates in the general election in 2016 and 2012. The only woman presidential candidate to have received more votes in the general election was Hillary Clinton.

### C. Major Party Women Candidates

Although minor party women candidates found some success in securing presidential nominations, it took more than forty years after the ratification of the Nineteenth Amendment for a woman to seek a major party's endorsement in earnest. When they have sought the presidential or vice presidential nomination of the two major parties, women have had a much harder time.

In 1964, Margaret Chase Smith became the first woman to seek the presidential nomination of a major party when she declared her candidacy for the Republican Party's nomination.<sup>51</sup> At that point, Smith had already held the distinction of being the first woman elected to both houses of Congress.<sup>52</sup> Smith participated in at least five Republican primaries and received 27 delegate votes on the first ballot at the Republican National Convention in 1964. After the first ballot, she removed herself from contention, and the party's nomination went to Barry Goldwater.<sup>53</sup> Another woman, Fay Carpenter Swain, also sought the Democratic Party's nomination in 1964, although she did not get very far, receiving only a few thousand votes in the Indiana primary.

In 1972, three women vied for the Democratic Party's presidential nomination.<sup>54</sup> They were Shirley Chisholm, Patsy Mink, and Bella Abzug. By the time of the party's national convention, only Chisholm and Mink remained in the race, and neither would receive the party's

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<sup>49</sup> Eve Peyser, *Everybody Hates Jill*, VICE (Nov. 28, 2017), [https://www.vice.com/en\\_us/article/8x5pw3/jill-stein-profile](https://www.vice.com/en_us/article/8x5pw3/jill-stein-profile).

<sup>50</sup> Ben Schreckinger, *Jill Stein Isn't Sorry*, POLITICO (June 20, 2017), [politico.com/magazine/story/2017/06/20/jill-stein-green-party-no-regrets-2016-215281](http://politico.com/magazine/story/2017/06/20/jill-stein-green-party-no-regrets-2016-215281).

<sup>51</sup> Audrey Amidon, *Cracking the Glass Ceiling: Margaret Chase Smith and Shirley Chisholm*, UNWRITTEN RECORD, <https://unwritten-record.blogs.archives.gov/2016/07/26/cracking-the-glass-ceiling-margaret-chase-smith-and-shirley-chisholm/> (last visited Sept. 26, 2019).

<sup>52</sup> *First Woman Elected to Both Houses of Congress*, SENATE HIST. OFF., U.S. SENATE [https://www.senate.gov/artandhistory/history/minute/First\\_Woman\\_Both\\_Houses.htm](https://www.senate.gov/artandhistory/history/minute/First_Woman_Both_Houses.htm) (last visited Sept. 26, 2019).

<sup>53</sup> *Women Presidential and Vice Presidential Candidates: A Selected List*, CTR. FOR AM. WOMEN & POL., RUTGERS UNIV., [https://cawp.rutgers.edu/levels\\_of\\_office/women-presidential-and-vice-presidential-candidates-selected-list](https://cawp.rutgers.edu/levels_of_office/women-presidential-and-vice-presidential-candidates-selected-list) (last visited Sep. 15, 2019).

<sup>54</sup> Adrienne LaFrance, *The Women Who Paved the Way for Hillary Clinton*, ATLANTIC (Nov. 3, 2016), <https://www.theatlantic.com/politics/archive/2016/11/the-women-who-ran-before-hillary-clinton/506336/>.

nomination.<sup>55</sup> Chisholm was the first African-American woman to be elected to Congress, in 1968, and in 1972 she also became the first African-American woman to seek a major party's presidential nomination.<sup>56</sup> Chisholm faced many barriers to her presidential candidacy,<sup>57</sup> including a lack of funding, few endorsements,<sup>58</sup> and poor access to the debate stage.<sup>59</sup> But even with little support from the media or from powerful groups, Chisholm successfully entered 12 Democratic primaries and won 28 delegates ahead of the Democratic National Convention, where she garnered 152 delegate votes (10% of the total).<sup>60</sup> Though this was insufficient to secure the party's nomination, Chisolm won enough votes to come in fourth place at the convention.<sup>61</sup>

Like Chisholm, Mink was also a path-breaker. Mink was the first Asian-American woman to be elected to Congress, where she was one of the authors of Title IX. Before announcing her candidacy for the Democratic party's 1972 nomination, Mink received an invitation to appear on the primary ballot in Oregon as part of an anti-war campaign which that state's Democratic party had launched in 1971.<sup>62</sup> Mink received 5,082 votes in the Oregon primary but soon dropped out

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<sup>55</sup> Bella Savitzky Abzug stood as a candidate for nomination but withdrew before the Democratic Party's national convention in 1972. Martin Iversen Christensen, *Female Presidential Candidates 1870-1990*, WORLDWIDE GUIDE TO WOMEN IN LEADERSHIP (2017), <https://www.guide2womenleaders.com/Candidates1870.htm> (last visited Sept. 26, 2019).

<sup>56</sup> Megan Snyder, *12 Facts About Shirley Chisholm, The First African-American to Run For President*, MENTAL FLOSS (Jan. 21, 2019), <http://mentalfloss.com/article/87244/12-facts-about-shirley-chisholm-first-african-american-run-president>.

<sup>57</sup> As an African-American woman, Chisolm faced many barriers to running, which defined the degree to which she could campaign successfully. Politicians and journalists were constantly making judgments about her ability to lead and often focused their criticism on her gender rather than her policies. People said she was partaking in "female meddling," "just ego tripping," and "playing 'vaginal politics.'" See Erin Blakemore, *Here's What People Once Said About How a Woman Would Never Be the Democratic Nominee*, TIME (June 7, 2016), <https://time.com/4359610/shirley-chisholm-nominee/>.

<sup>58</sup> The Congressional Black Caucus and the National Organization for Women, which Chisholm helped found, chose not to endorse her bid for the presidency. See Jenn M. Jackson, *Congresswoman Shirley Chisholm's Historic Presidential Run Was "Unbought and Unbossed,"* TEENVOGUE (Feb. 8, 2019), <https://www.teenvogue.com/story/congresswoman-shirley-chisholm-unbought-and-unbossed>.

<sup>59</sup> Chisholm was also barred from participating in the primary debates. She filed a complaint with the Federal Communications Commission, after which she was allowed to make just one televised speech. See Debra Michals, *Shirley Chisholm*, NAT'L WOMEN'S HIST. MONTH, <https://www.womenshistory.org/education-resources/biographies/shirley-chisholm> (last visited Sep. 15, 2019)

<sup>60</sup> Snyder, *supra* note 56.

<sup>61</sup> Michals, *supra* note 59.

<sup>62</sup> *Mink, Patsy Takemoto*, HISTORY, ART & ARCHIVES, U.S. SENATE, <https://history.house.gov/People/detail/18329> (last visited Sept. 26, 2019).

of the race.<sup>63</sup> Despite this, Mink later received votes in Maryland's and in Wisconsin's state primaries.<sup>64</sup> Overall, 1972 was a pivotal year for women—in every election since 1972, there has been at least one woman seeking a major party's nomination for president or vice president.<sup>65</sup>

Anti-abortion activist Ellen McCormack ran for the Democratic Party's presidential nomination in 1976. She got on the ballot in 20 states, was the first woman to receive protection from the Secret Service, and was the first woman to qualify for federal matching funds.<sup>66</sup> She ran again in 1980 with the Right to Life Party and garnered 32,327 votes in the general election.<sup>67</sup>

In 1996, Heather Harder and Elvena Lloyd-Duffie both sought the Democratic Party's presidential nomination. Harder was an author, speaker, spiritual advisor, and life coach who received a cumulative 29,149 votes in the primaries of three states, though she received by far the most votes (28,772) in Texas.<sup>68</sup> Harder ran again in 2000, when she won fewer than 2,000 votes in the primaries. In 2000, Harder issued a controversial statement saying that "UFOs exist and have always existed ... No amount of government denial will change my beliefs."<sup>69</sup> Lloyd-Duffie was also a relatively controversial candidate in the 1996 presidential election. She won over 90,000 votes across five state primaries,<sup>70</sup> notably claimed that she could balance the budget in "three to four days,"<sup>71</sup> and went on the record as saying that welfare is "a disgusting and disgraceful thing."<sup>72</sup>

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<sup>63</sup> Jo Freeman, *The Women Who Ran for President*, JOFREEMAN.COM, <https://www.jofreeman.com/politics/womprez03.htm> (last visited Sep. 15, 2019).

<sup>64</sup> *Id.*

<sup>65</sup> See JO FREEMAN, *WE WILL BE HEARD: WOMEN'S STRUGGLES FOR POLITICAL POWER IN THE UNITED STATES* 89-102 (2008); see also Lafrance, *supra* note 54.

<sup>66</sup> Valerie J. Nelson, *Ellen McCormack dies at 84; antiabortion presidential candidate*, L.A. TIMES (Apr. 2, 2011), <https://www.latimes.com/local/obituaries/la-xpm-2011-apr-02-la-me-ellen-mccormack-20110402-story.html>.

<sup>67</sup> *Ellen McCormack becomes first woman to receive federal funds for presidential race*, NAT'L CONST. CTR., [https://constitutioncenter.org/timeline/html/cw12\\_12310.html](https://constitutioncenter.org/timeline/html/cw12_12310.html) (last visited Sep. 15, 2019).

<sup>68</sup> *1996 Presidential Primary Election Results*, FED. ELECTION COMM., <https://transition.fec.gov/pubrec/fe1996/presprim.htm> (last visited Sep. 15, 2019).

<sup>69</sup> Lewis, *supra* note 36.

<sup>70</sup> *Lloyd-Duffie, Elvena E.*, OUR CAMPAIGNS, <https://www.ourcampaigns.com/CandidateDetail.html?CandidateID=19329> (last visited Sep. 15, 2019).

<sup>71</sup> Lewis, *supra* note 36.

<sup>72</sup> David Ruisard, *Democractic presidential candidates differ from Clinton*, LARIAT ARCHIVES, BAYLOR UNIV. (March 1, 1996) <https://www.baylor.edu/lariatarchives/news.php?action=story&story=9306>.

In 2004, the Democrats had a more serious woman seek the party's nomination: Carol Moseley Braun, who had previously been the first African-American woman to be elected to the U.S. Senate, in 1993. Moseley Braun was endorsed by a number of women's groups and garnered more than 100,000 votes in the primaries. Notably, this was after she had withdrawn from the race in January of 2004,<sup>73</sup> after deciding that her campaign was not picking up enough steam. At that point, Moseley Braun backed the Democrat Howard Dean, the former governor of Vermont.<sup>74</sup>

In 2012, Michele Bachmann sought the Republican Party's presidential nomination.<sup>75</sup> Like Moseley Braun, Bachman was an experienced politician and was at the time considered to be a serious candidate for the presidency. In 2006, Bachman became the first Republican woman from Minnesota to be elected to the U.S. House of Representatives, where she had been one of the founders of the Tea Party Caucus in 2010. However, Bachman dropped out of the Republican race after the Iowa caucus, where she finished in sixth place with only 6,046 votes.<sup>76</sup>

In 2016, Carly Fiorina ran for the Republican Party's nomination but withdrew from the race after placing seventh in the New Hampshire primary.<sup>77</sup> Born in Texas, Fiorina started her career in the private sector and became CEO of Hewlett-Packard. She was the first woman to head a Fortune 500 company. Fiorina also served as John McCain's economic advisor during his presidential campaign in 2008.<sup>78</sup> She was one of three women in American history to seek the Republican presidential nomination and to receive more than 5,000 votes.<sup>79</sup> During her presidential campaign, Fiorina received many sexist comments about her looks.<sup>80</sup> Although

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<sup>73</sup> Moseley Bruan withdrew from the race ahead of the primaries, but she was already on the ballot in several states, which enabled her to win 100,000 votes regardless. Lewis, *supra* note 36.

<sup>74</sup> Candy Crowley et al., *Braun backs Dean in tight Iowa race*, CNN (Jan. 16, 2004), <https://www.cnn.com/2004/ALLPOLITICS/01/15/elec04.prez.main/index.html?iref=mpstoryview>.

<sup>75</sup> *Iowa Republican Caucuses*, N.Y. TIMES (Jan. 3, 2012), <https://www.nytimes.com/elections/2012/primaries/states/iowa.html>.

<sup>76</sup> *Michele Bachmann Fast Facts*, CNN (Apr. 10, 2019), <https://www.cnn.com/2013/02/01/us/michele-bachmann-fast-facts/index.html>.

<sup>77</sup> *Carly Fiorina*, BALLOTEDIA, [https://ballotpedia.org/Carly\\_Fiorina](https://ballotpedia.org/Carly_Fiorina) (last visited Sept. 15, 2019).

<sup>78</sup> *Carly Fiorina Fast Facts*, CNN (Sept. 8, 2019), <https://www.cnn.com/2015/05/28/us/carly-fiorina-fast-facts/index.html>.

<sup>79</sup> Richard E. Berg-Anderson, *2016 Presidential Primaries, Caucuses, and Conventions*, THE GREEN PAPERS, <http://www.thegreenpapers.com/P16/R> (last accessed on Sept. 30, 2019); *see also* JAY NEWTON-SMALL, BROAD INFLUENCE: HOW WOMEN ARE CHANGING THE WAY WASHINGTON WORKS (2016).

<sup>80</sup> Donald Trump famously said the following about Fiorina in an interview with *Rolling Stone*: "Look at that face! Would anyone vote for that? Can you imagine that, the face of our next president?" Julianne Pepitone, *Carly Fiorina: 'Leaders look different. Leadership is always the same'*, NBC NEWS (Apr. 16, 2019), <https://www.nbcnews.com/know-your-value/feature/carly-fiorina-leaders-look-different-leadership-always-same-nca995201>.

Fiorina was considered a longshot for the presidency in 2016—her only political experience had been a failed run for the U.S. Senate—her presence as the only woman in a crowded field of Republican Party candidates was impactful.<sup>81</sup> Fiorina became Ted Cruz’s running mate after she dropped out, although Cruz suspended his campaign a few days after choosing Fiorina as his running mate.<sup>82</sup> A single faithless elector later cast a vote Fiorina for vice president in the Electoral College.<sup>83</sup>

#### **D. Women Candidates Who Have Won a Major Party’s Nomination**

Despite all of the women who have run for federal executive office, only three have managed to win the nomination of the two major parties: the Democratic Party nominated Geraldine Ferraro for vice president in 1984, the Republican Party nominated Sarah Palin for vice president in 2008, and the Democratic Party nominated Hillary Clinton for president in 2016. However, none of these women was victorious in the general election in November.

In 1984, Ferraro became the first woman to win the vice presidential nomination of a major party. She ran with Democratic Party presidential nominee Walter Mondale. Ferraro’s nomination came after pressure was placed on the Democratic Party to nominate a woman to the ticket. Feminist organizations and political strategists argued that nominating a woman would help the Democratic Party attract women voters and defeat Ronald Reagan. This pressure worked, and in July of 1984 Mondale announced Ferraro as his running mate.<sup>84</sup> But Mondale and Ferraro carried only Minnesota and the District of Columbia, and Republicans Reagan and George W. Bush won that year’s general election. In the end, Ferraro received more than 37.5 million popular votes and 13 Electoral College votes. At that time, that was the most any woman had ever received.

In 2008, Sarah Palin became the first woman to secure the Republican Party’s nomination for vice president after Republican presidential candidate John McCain selected her as his running mate. Palin had been elected mayor of Wasilla, Alaska, her hometown, at a young age and then became the first woman and the youngest person ever to serve as governor of Alaska. She enjoyed a notable but ultimately unsuccessful run as the Republican Party’s vice presidential nominee. Although McCain and Palin lost to Barack Obama and Joe Biden in the general election, Palin

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<sup>81</sup> *Carly Fiorina*, NBC NEWS, <https://www.nbcnews.com/politics/2016-election/candidates/carly-fiorina>, (last visited Sep. 15, 2019).

<sup>82</sup> Rachel Frazin, *Carly Fiorina slams Trump: ‘He views women as something to be used’*, THE HILL (May 14, 2019), <https://thehill.com/blogs/blog-briefing-room/news/443569-carly-fiorina-slams-trump-he-views-women-as-something-to-be>.

<sup>83</sup> Ben Kamisar, *Trump loses 2 electoral votes because of ‘faithless’ electors*, THE HILL (Dec. 19, 2016), <https://thehill.com/homenews/campaign/311107-two-texas-electors-abandoned-trump>.

<sup>84</sup> *Ferraro, Geraldine Anne*, HISTORY, ART & ARCHIVES, U.S. SENATE, <https://history.house.gov/People/Detail/13081> (last visited Sep. 15, 2019).

received almost 59.9 million popular votes and 173 Electoral College votes. Until Hillary Clinton's in 2016, this was the greatest number of Electoral College votes ever received by a woman.

Another woman was also seeking a major party's nomination in 2008: Hillary Clinton. That year, Clinton ran for the Democratic Party's presidential nomination against Barack Obama. Clinton won 17.8 million primary votes and a total of 23 different primary contests, although she placed third in the all-important Iowa caucus. In the Democratic primaries, Clinton received 48.0% of the total votes cast, while Barack Obama received 48.1%.<sup>85</sup> Which candidate won the party's popular primary vote is disputed due to a number of complications that arose during the primaries, including the fact that Obama's name did not appear on the ballot in Michigan.<sup>86</sup> Regardless, Clinton lost the nomination, but her serious attempt to win a major party's nomination remained a milestone. In 2008, she became the first woman to win a major party's presidential primary.<sup>87</sup>

In 2016, Clinton sought the Democratic Party's presidential nomination again. This time, she successfully secured it, outlasting Democratic rival Bernie Sanders in the primaries. Clinton became the first woman to secure the presidential nomination of a major party, and she later became the first woman to win the popular vote for the presidency. In total, she received 65.8 million popular votes in the general election and 227 Electoral College votes—the most of any woman candidate in history. But this was not enough to get her into the White House,<sup>88</sup> as Clinton lost the Electoral College vote to Donald Trump. Throughout the presidential campaign, Trump regularly expressed sexist attitudes. Rather than elect a woman with an impressive political resume, American voters instead elected a man who bragged about sexually assaulting women.

A number of different factors contributed to Clinton's loss, and sexism was one of them. Research suggests that men running for leadership positions are favored over women because leadership roles are typically male-dominated. This dynamic was likely at play in the 2016 presidential election, since this was the first time a woman was close to being elected to a position that has always been held by men.<sup>89</sup> Research suggests that the presence of a woman running for a powerful male-dominated role is enough to bring both traditional (blatant) and modern (subtle)

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<sup>85</sup> *2008 Democratic Popular Vote*, REALCLEARPOLITICS, [https://www.realclearpolitics.com/epolls/2008/president/democratic\\_vote\\_count.html](https://www.realclearpolitics.com/epolls/2008/president/democratic_vote_count.html) (last visited Sep. 15, 2019).

<sup>86</sup> Brooks Jackson, *Clinton and the Popular Vote*, FACTCHECK.ORG (June 5, 2008), <https://www.factcheck.org/2008/06/clinton-and-the-popular-vote/>.

<sup>87</sup> Rachel Balik, *Hillary Rodham Clinton, First Woman to Be a Presidential Candidate in Every Primary and Caucus*, FINDING DULCINEA (Oct. 26, 2010), <http://www.findingdulcinea.com/features/profiles/c/hillary-clinton.html>.

<sup>88</sup> *Presidential election, 2016*, BALLOTPEDIA, [https://ballotpedia.org/Presidential\\_election,\\_2016](https://ballotpedia.org/Presidential_election,_2016) (last visited Sep. 15, 2019).

<sup>89</sup> Jonathan Knuckey, "I Just Don't Think She Has a Presidential Look": Sexism and Vote Choice in the 2016 Election, 100 SOC. SCI. Q. 342, 346–47 (2019).

sexism to the forefront in an election. One recent study found that a high percentage of Americans see feminism as negative, believe that women do not face sexism, and negatively characterize women as being overly sensitive to sexism. According to this study, 20% of Clinton's voters were categorized as sexist, while 58% of Trump's voters were considered sexist. These sexist attitudes combined with the correlation between sexism and political affiliation suggest that Clinton's gender may have played a role in choices voters made during the 2016 presidential election.<sup>90</sup>

Even after losing the election, the double standards against Clinton did not stop. Clinton expressed surprise at the number of people who wanted her to exit the political realm after her loss. She pointed out that men in her position were never told to leave politics, recalling that Al Gore, John Kerry, John McCain, and Mitt Romney all remained involved in politics after their failed bids to win the presidency.<sup>91</sup> Women are criticized for things that are seen as normal for men — reflecting on electoral losses, speaking their minds, and running for president. These double standards contributed to Clinton's campaign challenges, and they threaten to hold back any woman who tries to challenge the status quo by running for president in the future.

On a positive note, it is worth mentioning that several women, apart from Hillary Clinton, received Electoral College votes in 2016, although in each case these came from faithless electors. Elizabeth Warren received two electoral votes for vice president: one from a faithless elector in Hawaii, and one from a faithless elector in the state of Washington. Meanwhile, Maine's Republican Senator Susan Collins, Washington's Democratic Senator Maria Cantwell, former Green Party vice presidential nominee Winona LaDuke, and Republican vice presidential candidate Carly Fiorina each also received a single Electoral College vote for vice president from faithless electors. The Electoral College votes cast for Collins, Cantwell, and LaDuke came from faithless electors in Washington, while Fiorina's vote came from a faithless elector in Texas.

### **E. Women Running for the Presidency in 2020**

Considering the challenges that women have historically faced while running for federal executive office, it is no wonder the media has been excited by the prospect of having another woman secure a major party's presidential nomination in 2020. In 2019, six women vied for the Democratic Party's presidential nomination. These women were Tulsi Gabbard, Kirsten Gillibrand, Kamala Harris, Amy Klobuchar, Elizabeth Warren, and Marianne Williamson.

These six women candidates, as with other women who have run for the presidency in the past, could be separated into two groups: some of them were longshots, and some were serious

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<sup>90</sup> Angie Maxwell & Todd Shields, *The Impact of "Modern Sexism" on the 2016 Presidential Election*, DIANE D. BLAIR CTR. OF SOUTH. POL. & SOC., U. OF ARK., <https://blaircenter.uark.edu/the-impact-of-modern-sexism/> (last visited Sep. 15, 2019).

<sup>91</sup> Veronica Stracqualursi, *Hillary Clinton cites sexism in criticism she should exit political stage*, CNN (March 30, 2018), <https://www.cnn.com/2018/03/30/politics/hillary-clinton-election-loss/index.html>.

contenders. Of the four women who fell into the first category, Gabbard, a member of the House Representatives from Hawaii, was known for her military background and political experience at the city, state, and federal levels.<sup>92</sup> However, she tended to lag in the polls.<sup>93</sup> Gillibrand was a U.S. Senator from New York who had repeatedly branded herself as a feminist, although she struggled to resonate with progressives beyond topics surrounding women’s equality.<sup>94</sup> Klobuchar, a U.S. Senator from Minnesota, emphasized her centrism as key to helping Democrats win swing states in the Midwest, although she similarly struggled to perform well in the polls.<sup>95</sup> And Williamson, a self-help author, had no political experience beyond a failed campaign for the U.S. House of Representatives in 2014. Williamson insisted that the United States was lacking moral leadership and her campaign was centered on offering that kind of leadership to the American public.<sup>96</sup>

While these four women were crucial to women’s representation because they showed that women in politics are not an anomaly, voters and analysts alike saw them as presidential longshots. Harris and Warren, by contrast, were real contenders for the nomination. Harris was a Senator from California who spent most of her career as a prosecutor; she was formerly attorney general of California and the district attorney of San Francisco. Warren was a former law professor and a senior U.S. Senator from Massachusetts. Though she was formerly a Republican before 1996, in 2020 many Americans saw her as one of the furthest left candidates in the Democratic presidential field. She was known for her meticulous policy planning and focus on income inequality.<sup>97</sup>

Harris and Warren performed better during the presidential debates than many of their male opponents. Yet their abilities continued to be called into question. One of the excuses people made for not voting for them is that women like Harris and Warren were not “electable” or “not able to beat Trump.” In other words, voters often say they want to vote for someone whom they are sure can win, and by implication that person is not a woman. This logic is based on implicit gender

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<sup>92</sup> Gabbard was a member of the Honolulu City Council (2011-2012), Hawaii House of Representatives (2002-2004), and the U.S. House of Representatives (2013-present). Edward-Isaac Dovere, *The Enduring Mystery of Tulsi Gabbard*, ATLANTIC (Sept. 5, 2019), <https://www.theatlantic.com/politics/archive/2019/09/tulsi-gabbard-2020-candidate/597226/>.

<sup>93</sup> *Id.*

<sup>94</sup> *Which Woman Running for President Is Your Candidate?*, REFINERY29 (June 12, 2019), <https://www.refinery29.com/en-us/2019/06/234860/women-running-for-president-2020-candidates>.

<sup>95</sup> Additionally, before announcing her candidacy, Klobuchar was best known for her work in combating the opioid crisis and her questioning of Justice Brett Kavanaugh during his confirmation hearings for the Supreme Court. Alexander Burns et al., *Who’s Running for President in 2020?*, N.Y. TIMES (Sept. 11, 2019), <https://www.nytimes.com/interactive/2019/us/politics/2020-presidential-candidates.html>.

<sup>96</sup> *Id.*

<sup>97</sup> Burns et al., *supra* note 95.



bias.<sup>98</sup> History and statistics show that women win elections as often as white men do.<sup>99</sup> At times, women even perform better. Before running for the Democratic presidential nomination, Kirsten Gillibrand, Kamala Harris, Amy Klobuchar, and Elizabeth Warren had won every single political race they entered, which their male rivals for the democratic nomination certainly could not say of themselves: Cory Booker lost his first mayoral race in Newark in 2002, Bernie Sanders lost his bid for the Democratic nomination in 2016, and Biden had sought the Democratic Party's presidential nomination twice before, in 1998 and 2008, and lost in the primaries each time.<sup>100</sup>

### III. Challenges and Solutions

The American electorate does not know what a woman presidential candidate is supposed to look like. Indeed, one reason why some voters do not see women candidates as viable is because they have seen so few viable women candidates before. If voters keep choosing candidates based on who they think can win, we will never elect a woman as president. The logic is circular here: if some American voters refuse to vote for a woman for president because there has never been a woman in the White House before, then how can a woman ever be elected to the presidency?

The only solution is to start at the bottom of the system and to begin to make changes to the American electoral system as a whole. Before we can discuss what needs to change, however, we need to determine what is wrong with our current system and to investigate exactly which obstacles women face when running for an executive office such as the presidency.

#### A. Campaign Finance

Fundraising challenges exist that are unique to women. Some of these fundraising challenges are different from what people assume them to be. We can begin by debunking a common misconception about gender in campaign fundraising: studies show that women raise just as much money as men when running for office. This becomes especially true in general elections. One explanation for why women do as well as men is that political action committees dedicated to women candidates offset the negative effects of gender discrimination in fundraising.<sup>101</sup>

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<sup>98</sup> Li Zhou, *Women candidates are constantly asked about their electability. Here are 5 reasons that's misguided.*, VOX (Aug. 15, 2019), <https://www.vox.com/policy-and-politics/2019/8/15/18525308/electability-women-candidates-2020-elizabeth-warren-kamala-harris-amy-klobuchar-kirsten-gillibrand?fbclid=IwAR3Vv-iw9bGAyrJTYwkHhaHC0fhDA4jDNDHH6331v70tz946NkDplZbUFPY>.

<sup>99</sup> Brenda Choresi Carter, *White Men's Electability Advantage Is a Myth*, NEWSWEEK (July 8, 2019), <https://www.newsweek.com/white-men-electability-advantage-myth-1448089>.

<sup>100</sup> Jeff Simon, *A peek at Joe Biden's past presidential campaigns*, CNN (Oct. 21, 2015), <https://www.cnn.com/2015/10/21/politics/joe-biden-presidential-campaigns-1988-2008/index.html>.

<sup>101</sup> Kira Sanbonmatsu, *Money and Women Candidates*, POL. PARITY, at 1, <https://www.politicalparity.org/wp-content/uploads/2017/10/Parity-Research-Women-Money.pdf> (last visited Sep. 15, 2019).

The main problem women face with fundraising has to do with how women perceive their abilities to raise money. A study found that 56% of women state legislators believed that it was more difficult for women to raise money than for men.<sup>102</sup> Other studies have found that women candidates view fundraising more negatively than men do. This perceived barrier, even if it does not conform with empirical reality, deters women from running.<sup>103</sup> While there is not enough evidence to support the claim that the availability of public funding would lead to greater success for women candidates, women’s reservations about their ability to engage in robust fundraising suggests that public funding might at least encourage more women to run for office. This is because public funding would allow women to worry less about the need to fundraise. Women should be educated to understand that they have as much fundraising ability as men. In the meantime, public funding could be used to help change the perception that gender impacts fundraising abilities.

When it comes to fundraising, one of the problems women candidates face is that they typically have a relatively wide base of small donors, compared to the typical donor base for men candidates, which tends to be smaller but is comprised of larger donors. Securing a greater number of small contributions takes more time and effort, meaning that women typically have to work harder to be on par with men in their fundraising.<sup>104</sup> We can see how different donor bases affect elections. During a U.S. House election in Kentucky in 2018, for example, Democratic Amy McGrath raised the second largest amount of money of all women candidates competing for House seat that year, with 24% of her funds coming from small donors and 4% from PACs. Her opponent, Republican Andy Barr, raised 4% of his funding from small donors and 40% from PACs. Barr beat McGrath by fewer than four percentage points.<sup>105</sup> This example demonstrates that some differences in fundraising by gender exist, even at the higher levels of campaign fundraising.<sup>106</sup>

Studies also suggest that, although men and women candidates generally are able to raise the same amount of total money, women need to spend more to counteract the effects of gender discrimination.<sup>107</sup> Although more research is needed to reach a definitive conclusion on this issue, it seems that women candidates’ money may translate into fewer secured votes than that of men

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<sup>102</sup> *Id.* at 2.

<sup>103</sup> *Id.* at 2–3.

<sup>104</sup> *Id.* at 3.

<sup>105</sup> *Rep. Garland “Andy” Barr wins Kentucky’s 6th Congressional District seat*, WASH. Post (Apr. 8, 2019), <https://www.washingtonpost.com/election-results/kentucky-6th-congressional-district/>.

<sup>106</sup> Kate Zernike, *Female Candidates Break Barriers, Except When It Comes to Money*, N.Y. TIMES (Oct. 30, 2018), <https://www.nytimes.com/2018/10/30/us/politics/women-campaign-fundraising.html>.

<sup>107</sup> NAT’L COUNCIL FOR RESEARCH ON WOMEN ET AL., MONEY IN POLITICS WITH A GENDER LENS 16–17 (Jan. 2014), [https://www.icrw.org/wp-content/uploads/2016/11/moneyinpoliticswithagenderlens\\_0.pdf](https://www.icrw.org/wp-content/uploads/2016/11/moneyinpoliticswithagenderlens_0.pdf) (last visited Sep. 15, 2019).

candidates.<sup>108</sup> Problems with fundraising affect certain women candidates more than others. One study of the 2018 midterm election found that women of color receive the least amount of money from donors of any other group. One reason for this disparity is that donors usually base how much money they give to a candidate on how much money that candidate is likely to raise. Many donors will wait until they see that a candidate has reached a fundraising threshold before donating themselves. This dynamic disproportionately favors established candidates with white, wealthy, and male networks, and it makes it more difficult for women of color to raise money.<sup>109</sup> The evidence suggests that Republican women candidates also disproportionately fall behind when it comes to fundraising. A recent study found that not only are Republican women underfunded by PACs, but they also tend to be some of the biggest targets of oppositional spending.<sup>110</sup>

The final problem women candidates face is that PACs tend to underfund women running for open seats. Open seat races are important to getting more women elected to federal office because incumbents tend to be difficult to unseat—and, of course, most of them are men. For this reason, women’s groups often encourage strong women candidates to run for open seats. Women candidates in open seat races are consistently underfunded by PACs, however. While PACs usually give about 18% of their funds for open seats to women, it is also the case that women make up more than 18% of open seat candidates.<sup>111</sup> Putting money toward women who are challenging incumbents is far less strategic, as these women are highly unlikely to win in these races.

The key to getting more funding for women candidates—especially women of color, Republican women, and women running in open seats—is PAC funding. PACs need to be educated on how they can make a more conscious effort to fund women candidates. PACs that give to and endorse candidates—especially those with member-driven priorities such as the Sierra Club, the Chamber of Commerce, and those supported by organized labor and the faith community—can establish rules that set targets for intentional action in endorsements and in political giving. While women-oriented PACs like EMILY’s List support only women candidates, other PACs deserve to be educated about how they can contribute a larger share of their funds to women. Gender targets cannot be mandated by the government, but they can be adopted by individual PACs and they can be set to increase with each election cycle. PACs should be encouraged to consider gender targets for donations for all levels of elected office. With public attention, balanced

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<sup>108</sup> Sanbonmatsu, *supra* note 101, at 3.

<sup>109</sup> CTR. FOR RESPONSIVE POL. ET AL., INDIVIDUAL AND PAC GIVING TO WOMEN CANDIDATES, *supra* note 8, at 12.

<sup>110</sup> *Id.* at 4, 20.

<sup>111</sup> *Id.* at 13.

funding of men and women candidates may develop into a comparative advantage for PACs and might enable PACs to become agents of change in the struggle for equality.<sup>112</sup>

## **B. Party Recruitment**

Another barrier for women candidates is political party recruitment. The major political parties in the United States serve as gatekeepers, and their failure to recruit more women candidates preserves the status quo. Political parties can take a number of proactive steps to change this. One step that has been proven to work is to have parties implement voluntary party quotas. For example, party rules should be changed to require that women make up a certain proportion of the party leadership that controls candidate recruitment. Voluntary party quotas, which are not legally mandated but instead adopted voluntarily on an individual basis by party organizations, would go a long way in ensuring that more women have a positive voice in recruitment practices.<sup>113</sup>

Political parties can also implement parity grants. These would entail higher levels of the party organization incentivizing the recruitment of women candidates at lower levels of the party. State or national party organizations would voluntarily set goals for the proportion of women candidates recruited during each election cycle, and local party organizations that met this goal would receive grant money. The goals could increase slowly over time in order to bring party recruitment gradually closer to parity.<sup>114</sup> Although parity grants incentivize recruiting women at the local level, having more women entering politics at the local level is essential; such recruitment would have ripple effects all the way up to the presidency by creating a larger pool of experienced women candidates for the national party to choose from. Also, having more women in local office would help voters become more comfortable with the idea that women can be leaders.

## **C. Electoral Reforms**

Another reform that would help more women get elected, this time in the public sector, is the implementation of ranked choice voting (RCV). Plurality winner-take-all voting rules for the election of presidential electors, state governors, and members of the House and Senate often result in vote splitting among multiple women candidates. Winner-take-all voting rules also fuel negative campaigning, and they lead to plurality winners being elected who lack majority support—all of which are particularly damaging to women candidates trying to break into the political establishment. The consequences of our antiquated plurality winner-take-all voting rules are perfectly clear: as a result of them, there have been only 44 women governors in 30 states in the

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<sup>112</sup> SASKIA BRECHENMACHER, TACKLING WOMEN'S UNDERREPRESENTATION IN U.S. POLITICS: COMPARATIVE PERSPECTIVES FROM EUROPE 20–23 (Feb. 2018), [https://carnegieendowment.org/files/CP\\_323\\_Brechenmacher\\_Gender\\_web.pdf](https://carnegieendowment.org/files/CP_323_Brechenmacher_Gender_web.pdf).

<sup>113</sup> See Anisa A Somani, *The Use of Gender Quotas in America: Are Voluntary Party Quotas the Way to Go?*, 54 WM. & MARY L. REV. 1451, 1466–68 (2013).

<sup>114</sup> *Id.* at 1468–69.

history of the United States, and currently only 9 women serve as governors.<sup>115</sup> Women also represent only 25% of the seats in the U.S. Senate, and only 56 women have served as U.S. Senators.<sup>116</sup> With so few women being elected to these high-profile offices, it is not surprising that there have been so few women presidential candidates. A solution to this structural barrier is for states to adopt ranked choice voting. This system would allow voters to rank their candidates in order of preference.

RCV is easy to implement. Voters rank candidates in order of their choice. If no candidate among the first-choice selections receives majority support, the candidate with the fewest votes is eliminated. Those who ranked this last-place candidate as their first choice have their ballots redistributed to their second choice candidate. This process of elimination and redistribution continues until one candidate wins a majority of the vote. This type of voting system ensures a fair election outcome, and it eliminates the concerns of “vote-splitting” among candidates who may have common perspectives—for example, if the race features more than one woman.<sup>117</sup> RCV also minimizes strategic voting, eliminates the need for runoffs, and promotes civil campaigning. These benefits can help create a more level playing field for women candidates at all levels.

RCV is currently already used in one form or another in over 20 jurisdictions throughout the United States, for student government elections at over 50 colleges and universities, and for military and overseas voters in a number of the Southern states.<sup>118</sup> In 2018, Maine adopted ranked choice voting and used RCV to elect its members of the House of Representatives, its U.S. Senator, and its first woman governor, who won an RCV primary from among a large field of candidates. Cities that use RCV tend to have more diverse city governments and a greater proportion of women holding public office. Currently, nine cities use RCV for their city council elections, and 10 additional cities are slated to begin using RCV in the near future. Of the cities that currently use RCV, the average share of women serving on city councils is 49%, which is more than twice the average in non-RCV cities. Additionally, 36% of cities with RCV have women mayors, compared to an average of 23% in the 100 most populous cities in the United States without RCV.

In 2016, RepresentWomen conducted a study to assess the impact of ranked choice voting on the representation of women and people of color. Controlling for the impact of socioeconomic,

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<sup>115</sup> *Women in Statewide Elective Executive Office 2019*, CTR. FOR AM. WOMEN & POL., RUTGERS UNIV., <https://cawp.rutgers.edu/women-statewide-elective-executive-office-2019> (last visited Sep. 15, 2019).

<sup>116</sup> *Women in the U.S. Senate 2019*, CTR. FOR AM. WOMEN & POL., RUTGERS UNIV. <https://cawp.rutgers.edu/women-us-senate-2019> (last visited Sep. 15, 2019).

<sup>117</sup> REPRESENTATION2020, *THE STATE OF WOMEN’S REPRESENTATION 2013-2014: AMERICAN WOMEN IN ELECTED OFFICE & PROSPECTS FOR CHANGE 37* (Oct. 2013), <http://d3n8a8pro7vhmx.cloudfront.net/themes/5707f5a06a21dbdb81000001/attachments/original/1467134849/rep2020Report-2013-14.pdf?1467134849> (last visited Sep. 15, 2019).

<sup>118</sup> *Ranked Choice Voting/Instant Runoff*, FAIRVOTE, <https://www.fairvote.org/rcv> (last visited Sep. 15, 2019).

political, and electoral factors, the study found that implementing RCV for the races of 53 local political offices in the San Francisco Bay Area led to an increase in the percentage of city council candidates who are women and people of color.<sup>119</sup> When RCV was adopted in the four cities that were the subject of this study—San Francisco, Oakland, Berkeley, and San Leandro—they all had white men serving as mayors. Their mayors now are two white women, an African-American woman, and a Hispanic man. When several strong women are running in the same election, such as we saw during the Democratic primaries in 2020, there is some concern that they could split the vote. The use of RCV would avoid vote-splitting and elevate whoever can better unite the electorate. Six states planned to use RCV for their primaries and caucuses in 2020: Alaska, Hawaii, Iowa, Kansas, Nevada, and Wyoming. These contests were being run by political parties, so the parties were adopted RCV, not the state.<sup>120</sup> But the data gathered from these elections will allow researchers to examine how ranked choice voting affects the presidential nomination process.

#### **D. Media Coverage**

Women candidates are also hurt by gendered media coverage. Media coverage of women running for office disproportionately focuses on the family roles of women, on the appearance of these candidates, and on women's issues, all of which have an effect on how the public views these candidates. A study was recently conducted about how subtly sexist word choice can affect voters' perceptions of women candidates. The study asked 269 students to read variations of an article about a mayoral race. Different versions of the article varied the gender of the candidate and the words used to describe that candidate, although these versions were otherwise identical in every way. The students were asked to rank the mayoral candidate based on her qualification and how much they liked her. The results showed that a woman politician described using masculine-coded adjectives, such as "ambitious" and "assertive," was seen as being nearly 10% more qualified and 7% more competent than a women candidate described using feminine-coded adjectives, such as "compassionate" and "loyal." This study found that gender-coded language, even if seemingly harmless, could have an effect on how the electorate views women candidates.<sup>121</sup>

Coded language is not the only thing that has a negative impact. The same is true for the questions that women candidates receive. In her 2010 book *Women for President*, Erika Falk takes note of the gendered nature of questions often posed to women candidates. "By asking women to answer questions 'as females,' the press consistently portrays women as gendered beings," Falk

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<sup>119</sup> REPRESENTATION2020, THE IMPACT OF RANKED CHOICE VOTING ON REPRESENTATION: HOW RANKED CHOICE VOTING AFFECTS WOMEN AND PEOPLE OF COLOR IN CALIFORNIA 24 (Aug. 2016), <https://d3n8a8pro7vhmx.cloudfront.net/fairvote/pages/4541/attachments/original/1476462696/RCV-Representation-BayArea.pdf?1476462696>.

<sup>120</sup> *Ranked Choice Voting/Instant Runoff*, *supra* note 118.

<sup>121</sup> Rachel Garrett & Dominik Stecula, *Subtle sexism in political coverage can have a real impact on candidates*, COLUM. JOURNALISM REV. (Sep. 4, 2018), <https://www.cjr.org/analysis/pink-wave-candidates.php>.

writes. “Men are never asked, ‘What is it like to be a man in office?’ because men are the norm and as such are free to be individuals or political beings.”<sup>122</sup> The differences in press coverage that men and women candidates receive is often attributed, at least in part, to the disproportionate number of men in the journalism industry. In the United States, women comprise 41.7% of newsrooms and own only 7.4% of commercial television stations. Additionally, men are given 63% of the bylines and reporting credits in print, online, wire, and TV news. When women reporters get bylines, the topics they tend to write about often focus on health, lifestyle, and leisure, while male reporting tends to dominate topics relating to U.S. policy and elections.<sup>123</sup>

Because more men work in the journalism industry, subconscious sexism is more likely to seep into news coverage—including news coverage of women presidential candidates. To make press coverage of women candidates fairer, newsrooms must make a conscious effort to recruit and hire more women and decrease the amount of subconscious bias and sexism that is present in our news. Also, in order to retain women staff, media organizations must be willing to promote women to leadership roles and close the pay gap that exists in journalism. With more women in the newsroom, coverage of women candidates will tend to be more accurate and equitable, and this will translate into giving more women candidates a fairer shot at winning office.

#### **IV. Women’s Leadership in Comparative Perspective**

Many of these solutions proposed here are already in place abroad—and they have yielded clear, positive results. RepresentWomen’s 2019 International Report ranked all countries based on the level of women’s representation found in their national legislatures. The United States currently ranks 78th. There are currently only 14 women heads of government in the world; nine of them are in countries that are doing better than the United States in terms of women’s representation. In countries ranking above the United States in terms of women’s representation in their national legislatures, 12% of heads of government are women. In countries ranking below the United States, only 4% of heads of government are women. Also, 50% of the world’s countries with women heads of government are in the top 30 countries for women’s representation.

Of countries where women head the government, 71% have some form of gender quota in place. Of the countries where men head the government, only 58% have such gender quotas. There are two important takeaways here. One is that the majority of countries have gender quotas in place by now. This fact indicates that such quotas should not be brushed off as a kind of aberrant political practice, but rather embraced as the new frontier. The other key takeaway is that countries with gender quotas are more likely to have women heading up their government.

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<sup>122</sup> ERICA FALK, WOMEN FOR PRESIDENT: MEDIA BIAS IN NINE CAMPAIGNS 86 (2010).

<sup>123</sup> *The Status of Women in U.S. Media 2019*, WOMEN’S MEDIA CTR. (Feb. 21, 2019), <http://www.womensmediacenter.com/reports/the-status-of-women-in-u-s-media-2019>.

Gender quotas are not the only reform foreign governments are using to increase women's representation in politics. Most of the countries ranked above the United States in terms of women's representation in their national legislatures also use proportional or mixed representation voting systems, while most of the countries ranking below the United States use majoritarian systems. RepresentWomen's research shows that proportional and mixed systems are associated with greater women's representation because these systems allow parties more opportunities to nominate women to run—and when more women run for office, more women win.

While the data on these countries concern mostly national legislatures, there are also connections to the executive branch. Of the countries that have women heads of government, 71% have mixed or proportional representation systems. Meanwhile, of the countries with male heads of government, only 57% have mixed or proportional representation systems. This suggests that countries with mixed or proportional representation systems are somewhat more likely to have a woman heading their executive branch of government. It is reasonable to hypothesize that in countries with mixed or proportional representation electoral systems, more women are able to win legislative seats, and the result of this is that the concept of women holding positions of power becomes normalized. Reforming voting systems has the power to change culture, and a culture of equality for women further amplifies the positive results of these systemic changes.

A look at other countries reveals the root of the problem in the United States: it's not that the United States lacks qualified women who have what it takes to win elections, including the presidential election. Rather, the problem is that antiquated rules shut these women out of having an equal shot at winning the presidency. In order to have more women candidates run for the presidency, Americans do not need women candidates to change what they are doing. Instead, they need to change the country's laws and electoral practices to make it easier for women to win.

## **V. Looking Ahead**

The next woman who wins the Democratic nomination will be continuing the legacy of Victoria Woodhull, Belva Lockwood, Shirley Chisholm, Hillary Clinton, and so many other women presidential candidates. Each of these women opened doors for the next woman. But if a woman were actually elected to the highest office in the United States, she would do more than open another door. Rather, she would open floodgates. Her win would catalyze a substantial change for all women in American society. The next generation would grow up seeing a woman in the very highest political office. It would set a monumental precedent, and women who have spent their entire lives being represented by men would finally be represented by a woman.