September 2022

The Case for Fusion Voting and a Multiparty Democracy in America

How to Start Breaking the Two-Party Doom Loop

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Last edited on September 30, 2022 at 10:45 a.m. EDT

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The Political Reform program seeks to develop new strategies and innovations to repair the dysfunction of government, restore civic trust, and realize the potential of American democracy.

About the Center for Ballot Freedom

The Center for Ballot Freedom is building a cross-partisan effort to transform our failing two-party political system—a key driver of extreme partisan polarization—into a healthy, vibrant, multiparty democracy. The first step: revive and relegalize fusion voting.

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I. The Existential Threat of Hyper-Partisan Polarization

A broad consensus exists among political experts that American democracy is in a brittle and threatened place, with an increasingly dysfunctional government that has lost the trust and goodwill of the American people. Though there are certainly many causes for this moment of crisis, the overwhelming balance of expert judgment places hyper-partisan polarization at the core.

The reasons why hyper-partisan polarization is a threat to the stability of democracy are straightforward and simple to understand. Democracy depends on a shared foundation of fairness around elections. Winning parties must win graciously and not use their newly-acquired powers to prevent their opposition from effectively challenging them in the next election. Losing parties must acknowledge that they have lost and acknowledge the legitimacy of the election. When this shared sense of fairness and fair play breaks down, violence or the threat of violence becomes the alternative. One pithy definition of democracy is that it is a system in which parties can lose elections.[1] Democracies die when one side believes that winning the next election is so important that it is willing to use extra-democratic means to achieve its goal.[2]

A core problem with hyper-partisan polarization is that it has a reinforcing feedback quality, what I've called "the two-party doom loop."[3] That is, as the parties move further apart from each other, they engage in more aggressive hardball tactics and rhetoric. These aggressive hardball tactics and rhetoric further push them away from each other. This occurs both at the elite level and the mass level, both of which feed back on each other. The more partisan elites demonize their opponents to win elections, the more partisan voters punish leaders who compromise with "the enemy." The less compromise, the more that the trust and goodwill and cooperation necessary for governing break down. All of these processes feed on each other in an escalating spiral of tit-for-tat. What may begin as a small slight can reverberate through intensifying grudges and retaliations.

One example: federal judicial nominations in the U.S. Senate. Once a cooperative bipartisan process in which most nominates had moderate judicial approaches and received super-majority support, it has metamorphosed into a scorched-earth process in which judges have become clearly identified with one side and are rammed through with narrow majorities.

Did the breakdown begin with the confirmation hearings of Robert Bork, or Clarence Thomas? Maybe. Did Republicans escalate with their refusal to confirm many of Obama's nominees to lower courts? Did Democrats escalate when Harry Reid led Democrats to "go nuclear" and end the filibuster for lower court judicial

nominees? Did Republicans escalate with the refusal to give Merrick Garland even a hearing in 2016 on the premise that the Senate should not confirm any justice during an election year, only to confirm Amy Coney Barrett just weeks before the 2020 presidential election? This is the logic of hyper-partisan escalation. It is a steady ratchet up, with each ratchet seemingly justified by the previous escalation, and tremendous pressure on both sides not to back down. It is crucial to understand that this is a reinforcing process.[4]

It is also a process with significant consequences. The breakdown of perceived fairness in judicial nominations, for example, undermines the independence and legitimacy of the judiciary. Partisan voting for nominees makes clear the partisan allegiances of justices, which undermines their authority as independent judges, since when presented with a case, must necessarily rule in one side's favor or the other's, or, in the case of upper courts, choose to grant or deny review of lower court decisions.

If citizens see judges as tainted, illegitimate, political appointees, it follows that judicial decisions themselves will likewise suffer a crisis of legitimacy. Not surprisingly, the approval rating of the Supreme Court has suffered as hyper-partisan polarization has worsened.[5]

Achieving de-escalation in this particular doom loop of judicial hardball is difficult for two reasons. First, the escalation has caused a breakdown of trust among political elites, in this case Senators. But second, and more challengingly, the escalating rhetoric of political elites in the past has trapped them in the present. To compromise now would be to back down, a compromise that the most active partisan voters would likely reject and respond to with a primary challenge. Negotiating this impasse depends on a strong cohort of moderates, who are able to mediate between the competing sides. The disappearance of the political center over the last several decades has taken these bridge-builders out of elected office, and replaced them with partisan fighters.

This breakdown of perceived fairness now extends to almost all areas of political life. Most importantly, for the sake of continued democracy, it now extends to the basic foundation of self-governance: free and fair elections, that are not only free and fair in actuality, but widely accepted as free and fair. Electoral confidence has been declining since 2000, as hyper-partisan polarization has increased.[6] In an era of high-stakes elections and narrow partisan margins, even small changes in voting rules can have profound consequences for election outcomes, or serve as fodder for partisan media attacks, thus further weakening the legitimacy of elections on which democratic self-governance depends.

At the same time, political elites have been challenging more of their losses with lawsuits. What election law expert Rick Hasen calls the "Voting Wars" has called more and more results into question, and courts have accordingly played a more important role in deciding electoral outcomes by being asked to weigh in more

and more on voting laws and districting plans. Under hyper-partisan politics, the perceived differences between winning and losing create a justification for pursuing every possible legal angle. But as this excessive litigation becomes standard fare in close elections, it further undermines confidence in elections.[7]

Thus, the "Stop the Steal" narrative that emerged following Trump's loss in the 2020 election was the logical continuation of two decades of hyper-partisan challenges to electoral results. Trump succeeded in spreading his lies about a stolen election because hyper-partisan polarization created an audience of fellow Republicans ready to believe that Democrats are so evil that they would cheat and commit fraud in order to steal an election.

This hatred not only leads Republicans to see Democrats as illegitimate and dangerous, it also leads them to tolerate and perhaps even welcome norm violations by their side, if that's what it takes for them to win. Indeed, a growing body of social science shows that partisan voters are willing to support fellow partisans who break democratic norms in order to win elections. And the more strongly partisan the voters, the more enthusiastic they tend to be about breaking norms of fair play in order to win elections. These findings apply equally to Democrats and Republicans. Indeed, it is quite possible to imagine that had Trump narrowly won the 2020 election, majorities of Democrats would believe the election had been stolen, especially if entrepreneurial political and media elites on the left developed theories of foreign interference, as some did in 2016.

Even worse, hyper-partisan polarization also leads to dehumanization of political opponents, seeing them as inferior. Dehumanization is a well-known precursor to violence, since once you no longer see your opponents as fully human, you lose empathy for them and their families. It is thus not surprising to see more and more partisans telling pollsters that they think violence might be justified if their side loses an election.[8]

The cresting of all of these inter-related trends (hyper-partisan polarization, distrust in electoral results, and increasing openness to political violence) has led a growing number of experts to anticipate a potentially violent national election in the near future, and a potential constitutional crisis. With leaders, especially on the authoritarian right, increasingly embracing violent and dehumanizing language, there are very good reasons for concern.[9]

But even without a total breakdown of democracy, hyper-partisan polarization has already contributed to a significant rise in government dysfunction, and growing failures to address significant political problems, and has created tremendous uncertainty for economic actors who see administrations whipsawing between competing approaches to regulatory and economic policy. Hyper-partisanship arguably even costs lives. The United States had considerably higher death rates from COVID than other comparable nations because support for masking and vaccinations became a partisan political issue.[10] The failure to

respond to rising gun violence is also a consequence of hyper-partisan polarization, as neither side wishes to compromise on the issue.

In earlier times, a large enough number of moderate representatives and Senators would have pushed back against these radicalizing tendencies to keep them at bay. These moderates served as the core of a broad cross-partisan governing coalition able to work out compromises on important and pressing policy concerns. But the slow and steady collapse of the political center has decreased the number of compromise-oriented moderates in Congress (and in many state legislatures) to hold back the forces of extremism and conflict.

To understand why structural changes are necessary, we need to understand why the current two-party system cannot and will not self-correct without institutional changes. And to understand that we need to first explore how and why the political center has collapsed.

II. The Collapse of the Political Center

The collapse of the political center is a well-known but poorly understood development in American politics over the last four decades. It is well known because everyone knows that "moderates" in elected office have disappeared. But it is poorly understood because few people have a compelling explanation for why it happened, and even fewer understand why there was moderation to begin with. Most common explanations focus on epiphenomena of the changes, such as changes in the culture of Washington, or the failure of individual members to get to know each other's families and spend time together as people. But these changes are downstream from the simple fact that in an earlier era, the parties were overlapping coalitions in which considerable bipartisanship emerged from the fact that many Representatives and Senators held shared views that crossed party lines, and the parties were so ideologically diverse and heterogeneous that it was impossible for any one person to impose a "party line."

The simplest way to understand this transformation is that we went from something more like a four-party system (with liberal Republicans and conservative Democrats alongside liberal Democrats and conservative Republicans) into a two-party system (with just liberal Democrats and conservative Republicans). In the four-party system, coalitions were flexible, issue dependent, and thus multi-dimensional, with few permanent enemies and many possible allies on all issues. In the two-party system, there were only two coalitions, locked in a zero-sum struggle along a single "us-vs-them" dimension.

In essence, the American two-party system is now the purest version of itself, a two-party system in which the two parties are distinct, non-overlapping coalitions that offer extremely distinct alternatives to the American people. However, contrary to expectations of a previous generation of political scientists who lauded this as a vision of "responsible party government,"[11] the reality is that the pure two-party system has been a disaster. It has been a disaster both because of what it does to our brains (it triggers very primal friend-vs-foe mental hardware that shuts down reason and openness to alternatives[12]) and because of its poor fit with our political institutions, which are specifically designed to force broad compromise by spreading power across competing institutions each of which is chosen by a separate electorate on a separate timeline. The result has been an unmitigated disaster for American democracy.

Though the conventional wisdom of an earlier generation of scholars was that the two-party system was a stabilizing force in America, they failed to understand the time-bound conditions on which this stability depended and they failed to appreciate that the reason the system worked was that the two parties themselves contained overlapping factions in what in retrospect looks much more like cross-cutting multiparty system within a two-party system. It is understandable that

scholars of a previous generation would make these oversights, since the underlying conditions had been stable for many decades.

Thus, in assessing the contemporary challenges of American democracy, it is crucial to understand that the collapse of the multi-dimensional four-party system into the uni-dimensional two-party system was the consequence of three interrelated and reinforcing developments in U.S. politics over the last several decades within the context of single-winner elections and two political parties: 1) the geographical sorting of the political parties; 2) the nationalization of American politics; and 3) continued close national elections.

Because these three trends are not reversible (we have no Superman to spin the earth backwards to go back in time), the conditions that previously supported a large political middle in a functioning two-party system cannot be re-created. This is why the system will not correct on its own. Instead, it must be recalibrated through active but carefully considered intervention. Let me say more briefly about each of these political developments.

A. The Geographical Sorting of Parties

In 1960, in one of the closest elections in American political history, Democrats and Republicans were able to compete in most places because both parties had liberal and conservative factions. In 1960, the parties were overlapping coalitions, and at a national level, they were both broadly moderate and centrist, even if they both had some representatives at the political extremes.

In this earlier era, neither party took a strong stance on social and cultural issues because the coalitions of both parties stretched across the country, and the divisions within the parties between socio-cultural liberals and conservatives reflected the larger divisions in the country. In this respect, it is crucial to know that the Voting Rights Acts of 1964 and 1965 both passed with super-majorities in both chambers, and Republicans were actually slightly more supportive (on balance) than Democrats.

But the civil rights revolution of the 1960s set in motion a significant realignment of American politics. As the Democratic party came to "own" the issue of civil rights, the South shifted from solidly Democratic to increasingly Republican, first in presidential voting, then in congressional voting. As cultural and social issue fissures continued to develop in the 1970s around the Vietnam War, drugs, women's rights, abortion, and other issues, both parties began to take clearer national stances on these issues.

The 1970s was largely a period of political dealignment, in which many citizens began to reconsider their allegiances to the two major parties.[13] During this period, many voters split their tickets, voting for one party for president and the other for Congress, and more than ever, voted for the candidate, not the party. In

political science terms, elections had become "candidate-centric," with incumbents cultivating "the personal vote."[14] Practically, it meant that individual representatives had the freedom to build their own brands and in Congress, many entrepreneurial representatives built their own cross-partisan coalitions to tackle various issues that didn't fit a simple left-right divide.

But by the 1980s, as "culture war" politics became increasingly central to U.S. partisan conflict, the parties took increasingly clearly differentiated stands at a national level. As southern conservatives moved from the Democratic Party to the Republican Party, the Democratic coalition became more socially liberal, and the Republican coalition became more socially conservative. Northern and coastal liberals moved more solidly into the Democratic Party at roughly the same time. Put simply, ideological liberals and conservatives sorted themselves into political parties, and less ideological partisans updated their beliefs to match their parties.[15]

As the Republican party became more socially conservative overall, it became harder for Republican candidates to compete in more socially liberal places. As the Democratic party became more socially liberal overall, it became harder for Democratic candidates to compete in more culturally conservative places. Because of the nature of single-winner elections, once Democrats/Republicans fell below a competitive threshold in many parts of the country, it made less and less sense for them to compete at all for voters by investing significant resources in candidate recruitment, advertising, and voter mobilization. This led Democrats/Republicans to give up on large parts of the country, narrowing their base of support even further.

With the parties now more homogeneously split on the culturally conservative/ liberal divide, the U.S. two-party system became the purest version of itself: a uniquely and historically divided two-party system with no overlap. With the Republican wave election of 2010 sweeping out the last of the Southern conservative Democrats, the four-party system almost entirely vanished, save a few legacy vestiges. A fully sorted two-party system had arrived, drawing in a new generation of candidates eager to engage in partisan warfare, and discouraging the kinds of more moderate, compromise-oriented liberal Republicans and conservative Democrats who might have entered politics in the past.[16]

Though historical analogies are never perfect, there is only one other time in which the U.S. party system was so clearly divided by geography and ideology: 1860.

B. The Nationalization of American Politics

The second major change that began in the 1960s was the nationalization of American politics. The remarkable growth of both social and economic federal regulation made control of Washington, D.C. much more important. In short, the federal government today has a lot more power over many more areas of American life than it did 60 years ago. Before the expansion of the federal government in the 1960s and 1970s, states had much more autonomy, which meant that control of state power was often more important.

Additionally, because the Supreme Court became a more important as an arbiter of social issues (notably abortion, gay marriage, and the role of religion in public life) and many conservative evangelicals felt as though their way of life was under attack by an intrusive liberal government, control of the winner-take-all presidency in particular became much more salient.

As parties became more sorted and U.S. politics nationalized, voters had a clearer sense of the consequences of Democrats or Republicans controlling Congress and the presidency. This meant that rather than voting for the candidate, it became more important to vote for the party. The watershed moment in this development was the 1994 House election. Newt Gingrich had noticed that while Republicans kept winning presidential elections, Democrats had controlled the House majority for 40 years. So rather than individual Republicans candidates for the House campaigning against individual popular incumbent representatives who happened to be Democrats, they campaigned against Bill Clinton and nationalized the election. Though both parties had been doing more through their coordinated congressional and Senate campaign committees and attendant networks of campaign consultants to standardize their messages, the 1994 election marked a monumental shift in American politics. Congressional and Senate elections became more about the parties and control of Congress, and voters responded accordingly. The number of split-ticket states (for Senate) and districts (for the House) has declined steadily since.

In the Senate, only six split-delegation states remain, meaning states in which both Senators and the President are not of the same party. That is by far the lowest number since the direct elections of Senators went into place in 1914.[17] In the House, only 16 districts split their districts, voting one party for president and the other for Congress, all of them very narrowly.[18] That was the lowest number in more than 100 years as well. Similarly, even state and local candidates now emphasize national issues, and voting for all levels of government closely tracks sentiment towards the party in the White House.[19]

The nationalization of the media is also an important part of this story. With the rise of cable news in the 1990s and the internet in the 2000s, local media began to lose share to national media, and national media became more divided to cater to competing partisan audiences, largely because conservatives built an

entirely new media infrastructure to appeal to a national conservative audience.[20] Media consumption polarized. Again, there is a reinforcing feedback process here. As the stakes of national elections increased, national politics became more salient. As local media diminished, more citizens eager for news were further drawn to national media, and the more they were paying attention to national (as opposed to local) stories, which further diminished their interest in local media and local politics.[21]

C. Continued Close National Elections

The third major development is that starting in 1994, American politics entered into an era in which control of the presidency, the House, and/or the Senate has been up for grabs every election, and narrow victories can give one party total power.[22] This has had two consequences.

The first consequence of constantly close elections is it destroys the potential for cross-partisan coalition building. Because retaining power is constantly within reach for the party out of power, the party out of power has every incentive to make the party in power look bad by making it hard for the party in power to govern. This is exemplified in Sen. Mitch McConnell (R-Ky.)'s 2010 promise to make President Obama "a one-term president" clarified a particular logic.[23] McConnell worked very hard to keep Obama's signature healthcare legislation from being bipartisan because if it were bipartisan, Republicans would not be able to run against it in the next election. Republicans worked very hard to deny Democrats and Obama any important successes or victories, on the theory that if Democrats fail in the public eye, voters will return Republicans to power.

Notably, Obama's initial instincts upon taking the presidency were that he could bridge the partisan divide, and he worked gamely with Republicans to make his signature healthcare reform. However, after it became clear by late 2009 that Republicans would oppose his achievement no matter what happened, Democrats finally shifted to passing the legislation without a single Republican vote. The lesson learned, in this case by Democrats, was that when a party gets unified control of the federal government, they should not waste time seeking support of the minority party.

This was the logic of most Democrats in 2021, who believed that it made sense to use a narrow majority to attempt to pass major legislation on the theory that no matter what Democrats offered in terms of compromise, Republicans would reject it. Republicans similarly attempted an aggressive partisan agenda with their tax cuts (successful) and Obamacare repeal (unsuccessful) in 2017. This maximalist approach to policy making rarely succeeds with narrow majorities, but it does have the consequence of further polarizing politics and further raising the stakes of elections. Similarly, periods of divided government guarantee even more gridlock, because the party opposed to the president does not want to give

the current president any "wins" they can use in the upcoming election. But bad faith begets bad faith, and demonizing and refusing to compromise sends strong signals to partisan voters that compromise is illegitimate, and that compromising moderates must be punished.

The second consequence of constantly close elections is that it makes electioneering higher-stakes, more intense, and more aggressive. When control of power in Washington is always at stake, electioneering becomes a fevered pitch of high alert, in which the "other side" is on the verge of gaining total power that they will use to enact a radical agenda. This agitated state of high-alert leads voters and politicians to demonize their political opponents even more, and to silo themselves even more in informational echo chambers, thus further deepening hyper-partisan polarization.

We have now reached the stage in this doom loop where the basic foundations of free and fair elections have become a partisan issue, and partisans on both sides support aggressively rewriting election rules, though in different directions. Moreover, if you believe the other side is trying to rig the rules in their favor through inappropriate means, this gives your side license to hit back even harder. After all, as the saying goes, only a fool brings a knife to a gun fight.

D. These Mechanisms Are Not Self Correcting

The crucial point is that none of these mechanisms are self-correcting. Rather, they are self-reinforcing.

1. The Geographical Sorting of Parties

Currently, the Democratic Party is very strong in urban and cosmopolitan parts of the country, and very weak in rural and traditional parts of the country. Because Democrats are unable to get anywhere close to the necessary 51 percent in rural districts, they do not bother to contest elections in these places. Because elected Democrats overwhelmingly come from socially and culturally liberal parts of the country, Democratic leaders take very progressive stands on cultural and social issues, which makes the Democratic Party seem even more threatening to voters in more conservative and traditional parts of the country. The same is true for Republicans, but in the reverse.

The problem here is that it is extremely difficult for parties to move to the political center when their coalitions lack any meaningful overlap, as they did in an earlier era, in which the two-party system functioned well enough because it contained a multi-dimensional four-party system inside of it.

Some political observers have noted that after Democrats lost a series of presidential elections, they moved closer to the center by nominating Bill Clinton in 1992. Bill Clinton had been the four-term governor of Arkansas, a relatively

conservative state. Today, Democrats are deeply underwater in Arkansas. They have no conservative coalition within their party, just as Republicans lack an internal liberal coalition.

When the four-party system existed, Democrats had many conservatives within their party coalition who could balance out the more liberal representatives, pulling the party closer to the center. These conservatives came primarily from the South and rural areas. Republicans had many liberals in their party who could also move the party closer to the middle. These centripetal forces have now been replaced by centrifugal forces. Compromise is now punished by the threat of a primary challenge, and would-be moderates do not bother to even run.

2. The Nationalization of Politics

Though many advocates of localism and federalism argue that some polarization could be fixed by returning some power to the states and localities, the reality is that the concentration of power in Washington, D.C. is difficult to reverse. When Democrats are in control in Washington, they do not like to let Republican states decide policy and so impose their own mandates. When Republicans are in control in Washington, they do not like to let Democratic states decide policy and impose their own mandates.[24] In the areas where states do make policy, Republican-controlled states tend to focus on issues that are nationally salient and all move in the same direction on these issues. Democratic-controlled states similarly focus on nationally salient issues and move in tandem in the opposite direction. The divergence around abortion, guns or climate policy are but examples of this phenomenon.[25]

And given the power that the federal government has to impact policy in almost all areas, it is unclear how a truce would emerge within the current state of binary hyper-partisan polarization. The doom-loop continues: hyper-partisan polarization has a strong nationalizing pull, and the nationalization of elections increases hyper-partisanship.

3. The Closeness of Elections

Finally, national elections have been extremely close for three decades now, cycling back and forth between unified government for one party, to divided government, to unified government for the other party, to divided government, and back again through the same cycle. Despite a steady stream of think pieces promising a permanent majority for one party or the other, thermostatic public opinion and cycles of engagement and cynicism keep the parties revolving in and out of power,[26] with a perpetually dissatisfied and angry electorate and a split country. It seems unlikely that this cycle will end with one side winning a decisive victory, largely because so much of the country is solidly safe for one party or the other. Instead, the close elections will continue to make negative campaigning nastier and nastier, because the best way to unify and mobilize your side is always to turn up the threat of the other side winning.

4. The Bottom Line

A political center existed when the four-party system provided a large space for overlap between the two parties, with liberal Republicans and conservative Democrats providing the necessary cross-partisan bridges to make the American political system function. As liberal Republicans and conservative Democrats vanished, the center collapsed, and hyper-partisan polarization began to feed on itself. This reinforcing cycle of distrust, hatred, and escalation shows no signs of stopping on its own.

III. Voters And The Two-Party System

Most voters are dissatisfied with the state of U.S. politics, and in particular, the hyper-partisan polarization, the gridlock and failures of government, and the anxieties it generates. But they lack a mechanism to express that frustration within the two-party system. The most obvious challenge is that they can only send a very crude signal: Democrat or Republican. There are rarely third-party options. Most of the third parties produced by our current system do not offer viable, moderate choices. Put simply, voters cannot clearly signal, through voting, that they want less hyper-partisanship.

Imagine a moderate Republican voter, who is unhappy with the direction of the Republican Party moving towards a more extreme end of the political spectrum. This voter also sees the Democratic Party as very extreme, and unrepresentative of her views. What should this voter do? A vote for an extreme Republican means that the Republican Party will only become more extreme. A vote for a Democrat helps extreme Democrats hold power. Voting for a third party is a wasted protest vote, assuming a third party even mounts a candidate in this particular district. Not voting because neither candidate is appealing is giving up this voter's greatest power—the right to vote. In short, a voter who views both parties as too extreme is effectively powerless in this system.

In theory, political parties should select more moderate candidates capable of appealing to the broadest electorate. This is often known as the "median voter" theory, which posits that in a two-party system, both parties should converge on the political middle in order to maximize their vote share.

However, since three decades of parties pulling away from the center have contradicted this theory, a simpler explanation is that the theory is either wrong, or it depends on particular conditions that no longer hold. In reality, the political science consensus is now turning against the median voter theory. Some critics argue that it was at best an overly simplistic model that could hold under very specific assumptions; others believe it was simply wrong because the specific assumptions it stipulated about party and voter behavior were largely fantastical.[27]

Whether or not the median voter was a useful construct, it is nevertheless true that many voters still prefer moderation and compromise to implacable extremism. But as parties move to the extremes and refuse to work together, it is hard for voters to tell which party is more moderate, and their judgements are likely impacted by their previous allegiances. An option to vote for a moderate party that occupies the "middle ground" would by definition allow and amplify their preference for more moderation in civic life.

But no such party exists, and for a reason that any sensible person will immediately understand: in America's plurality-voting, single-member district (PV-SMD) system, a vote for a third-party candidate is either a "spoiler" vote or a "wasted" vote.[28] Neither is a constructive way to participate in elections, and citizens properly understand this. Because third parties are spoilers (or just irrelevant) in our elections, all political ambition and money flows through the two major parties. This keeps third parties as marginal actors in politics: they struggle to raise money and legitimacy, are unable to recruit credible, viable candidates, and they exist only on the political fringes. Thus, even when voters want to support a third party, they'd be foolish to do so.

Thus, the fact that a moderate third party has not emerged is not because nobody has had the idea. It's because the reality of actually building such a viable party under the current election rules makes it the longest of long shots.

IV. What Fusion Can Accomplish: Coalition Politics and the Centrality of Parties in a Democracy

How might one get out of the self-reinforcing cycle of hyper-partisan polarization and create a compromise-oriented, multi-party democracy that would welcome the emergence of new and constructive political parties?

The answer lies in our own history of "fusion" voting. Once legal in all states, fusion allows and even encourages cross-party coalitions and alliances. A world in which the binary, winner-take-all, two-party system has essentially eliminated any incentives for cooperation and collaboration cannot help but make the multi-party cooperation and coalition inherent in a fusion-legal system all the more attractive, even imperative.[29]

Fusion refers to a system in which a candidate wins the support of more than one party—usually one major party and one "minor" party—in a marriage that is both principled and practical. Each party nominates the same candidate, and the candidate appears twice on the ballot under two distinct party labels. The votes for the candidates are tallied separately by party, and then added together to produce the final outcome.

Fusion voting does a few things at the same time: (1) It eliminates the "wasted vote" or "spoiler" dilemma that plagues minor parties in our plurality-voting, single-member district system; (2) It allows a new minor party the chance to develop an identity with voters because it is not pretending it can win elections on its own—it needs an alliance with a major party; (3) Its signals to candidates and elected officials from the other, usually larger party that some portion of this new fusion-party vote carries a distinct meaning, and a competent elected official will welcome that information; and (4) It encourages principled, positive-sum coalition-building amongst the parties which are fusing on the same candidate.

Imagine an election contest between a Democratic centrist and a hardline Republican who has aggressively supported the claims of a stolen 2020 election. (Or the reverse, in which a Republican centrist faces off against a hardline Democratic leftist).

In the case of a candidate running as the fusion nominee of both the Democrats and the Moderates, it is easy to see what the Moderate Party would say to its members and supporters:

> "We have evaluated the two major party Congressional candidates in our district on their commitment to bi-partisanship, civility and the rule of law. And we're recommending Jane Smith. She is also the nominee of one of the major parties, in her case the Democrats. As you know, the

Moderate Party includes citizens who are Democrats, Republicans, and Independents, and after due consideration feel that Smith is far the superior candidate on the issues of bipartisanship and civility and the rule of law. If you agree that these values are important, we urge you to vote for her under the Moderate Party label. It counts the same as a vote on the major party line, but it lets her know that these values matter to you."

Election Day rolls around and Smith gets 45 percent on the Democratic line, Jones gets 48 percent as a Republican, and the last 7 percent is cast for Smith on the Moderate line. The votes are tallied by party and then added together to produce a 52 to 48 percent victory for Smith, the Dem-Mod nominee.

The Moderate Party can claim, with merit, to have produced the "margin of victory." The minor, fusion party will now have a modest claim on Smith as she takes office. She'll be more attentive to her own "home" party (Democrats in this case), but she will also make sure she stays in close touch with the Moderates and takes their advice sometimes. But even more importantly, it sends a loud-and-clear message to the hard-right Republicans that they cannot win without the Moderates' support. Rather than disappointed voters going back and forth between Democrats and Republicans in hope of elusive moderation, voters can now tell their family, friends and colleagues to vote on the moderate party line as well.

In sum, fusion not only avoids the traps of the spoiler or the wasted vote, it gives voters the ability to cast a constructive, expressive vote. And in doing so, it pushes against extremism and in favor of coalition and compromise.

A. The Centrality of Parties

Whether voters like political parties or not, scholars of democracy consider it axiomatic that political parties are the central institutions of modern mass democracy. That's because parties organize political conflict into manageable coalitions and programs, and they mobilize and engage voters in the service of winning elections. Without political parties, politics becomes chaotic. This is why every stable modern democracy has strong political parties.[30] With fusion in place, moderate voters could find an identity in a center party (of whatever name) by voting regularly on that line, even if they were voting for candidates aligned with one or the other major party.

Of course, fusion wouldn't be limited to a moderate party. Other parties could emerge, and likely will. And there would be tremendous value. Parties on the extremes might emerge as well, but since fusion is voluntary, only candidates who wish to be associated with more extreme positions will accept such nominations. Just as a moderate party label will convey information to a voter, a

communist party label or a Q-Anon party label would convey information to voters. Most political candidates would reject these nominations as counter to their interests.

The history of fusion candidacies is clear on this point: it does not lead fusion to a proliferation of fringe parties because fringe parties cannot get the candidate to accept their nomination. New parties that offer valuable endorsements to either incumbents or challengers will emerge, and those that command genuine support will last. In both Connecticut and New York, the number of active parties has rarely exceeded five. Most modern democracies have at least five active parties (and some have many more) and citizens around the world seem to manage just fine.

B. Fusion Can Increase Competition and Turnout

Additionally, fusion could make more districts competitive because of the path for moderate parties to fuse with the less popular of the two major parties. Both more choices and more competitive elections would almost certainly increase voter participation and turnout, since the lack of choices and the lack of competition are the main reasons why the United States has low voter turnout compared to other democracies.[31] The United States is unique in having just two major parties, and one of only a handful of democracies that use single-member districts, which tend to generate few competitive districts even when districts are drawn through independent commissions (this is because parties tend to have geographical bases, and partisans cluster in different places).[32]

From the perspective of elected officials, the moderate party label becomes meaningful as a way to communicate moderation. In an era of nationalized politics, Republicans and Democrats are tied to their national parties, and typically, to the most extreme elements of their parties. Candidates can say that they are a different kind of Republican or a different kind of Democrat, but it is almost impossible to communicate this fact to voters, given that they have very few opportunities to break from their national parties, and most voters pay very limited attention to politics and largely rely on party labels.

The core problem here is that our highly nationalized political environment forecloses other more candidate-centric solutions because, under nationalized politics, parties matter to voters more than candidates. Voters may like individual candidates of an opposite party, but in competitive districts they are told repeatedly that they are not voting for a candidate; they are voting for which party gets control of the majority in Congress. And even more centrally, they are voting for or against the president, a force that individual members of Congress have no control over.

Under fusion, a moderate party could reward and incentivize moderation and compromise because it has real leverage. Unlike parties on the extreme, who have much less leverage because they are only taking votes from one side, a moderate party has much more leverage because it will almost surely endorse candidates from both sides.

Finally, from the perspective of potential candidates, the ability to run with a moderate party endorsement could conceivably attract a new generation of more moderate candidates. One of the reasons why the two parties have become more extreme is that more moderate candidates have chosen not to run. Scholars have identified three primary reasons why moderates do not run. First, because they do not see themselves "fitting" with either of the two parties given who represent the two parties in Congress.[33] Second, because they do not wish to endure the gauntlet of running for office when they have many other career opportunities.[34] And third, because local party leaders are more encouraging of more extreme candidates as opposed to more moderate candidates, since party leaders tend to be extreme. [35] By opening up an alternative path to office and the ability to gain support from a moderate party, such would-be moderates might be more inclined to run for office.

Though the geographic sorting of parties, the nationalization of politics, the close national elections have both been key drivers of hyper-partisan polarization (see above), all three of these forces have made the two-party system extremely friendly to recalibration through fusion.

The geographical sorting of parties has created very few swing districts (such as N.J.-7) and the close control for Congress has made these districts extremely consequential in steering politics back to a compromise-oriented dynamic. This means that a moderate party that was able to operate even in a limited number of swing districts could have a tremendous impact in controlling Congress, just as Rep. Joe Manchin (D-Va.), by placing himself solidly between Democrats and Republicans, has achieved tremendous influence in the Senate. This power could be leveraged to support broader changes in the political system that would break the "two-party doom loop" and end the zero-sum nature of American partisan competition, such as proportional representation through multi-member districts.

The rigidness of the two-party system in this moment means that a small but thoughtful reform such as fusion could realign the U.S. party system in productive ways that could get us out of the doom loop, and reestablish a new version of the moderate cross-partisan politics that previously existed and which allowed our system of government to muddle through. It must look different now than it did in previous times because the underlying conditions no longer hold. **But we cannot simultaneously have a rigid and polarized two-party system and vibrant political middle at the same time**. Since a vibrant political middle is essential to the functioning of democracy, modest changes

(like the restoration of fusion balloting) that can break the rigidity of the current hyper-polarized two-party system and restore a political center would have profoundly positive effects on the health of American political life, and the functioning of the U.S. government.

V. Conclusion

American democracy is in a dark and dangerous place right now, but it doesn't have to be. The escalating hyper-partisan doom loop is a consequence of changes in the party system, its geographical bases, the nationalization of American politics, and the close national competition for control of government. These are all relatively recent developments that have, over the last several decades, transformed the American system from a multi-dimensional, compromise-oriented four-party-within-two-party system to a one-dimensional, combative, hyper-polarized true two-party system, stuck in an escalating doom loop of zero-sum partisan warfare that shows no obvious resolution.

Fusion balloting is an extremely promising way to break this "doom loop" because it gives voters the ability to clearly signal: "stop the hyper-partisan fighting and work together." Without the ability to vote for a moderate party, voters can only vote for the Democrat or the Republican, but without any direction. Because of the single-member system with plurality voting, a moderate party is unlikely to emerge on its own. Only fusion balloting can give that party an opportunity to represent the growing number of homeless voters in the political middle, who can then leverage their power in key elections.

The American political system has survived until now because of the ability of its citizens to creatively reform and recalibrate it in times of crisis. Supporters of fusion balloting are working in this supremely American tradition, bringing continued innovation to our continued democratic experiment, when it is most urgently needed.

Notes

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