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THE POLITICS OF
ELECTORAL REFORM
IN AMERICA



MORE PARTIES
OR NO PARTIES



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Forcing Reform onto a Two-Party System

The solution isn't more parties. Every party, regardless of size, searches for power. The solution is walking away from parties, expanding Ranked Choice Voting, hopefully leading to more independent legislators. The change starts when no party has majority in house or senate [sic]

Mark Cuban on Twitter, October 30, 2020¹

We hear a lot these days about dismantling systems. Familiar ones deal with race relations and the distribution of wealth. Others are said to ship jobs overseas and erode the national character (e.g., globalization). Another target is the *electoral system*, broadly defined as rules about voting and turning those votes into winners.

Under normal circumstances, electoral systems are a niche topic.² But recent surveys show that up to half of Americans are open to a having new one (McCarthy and Santucci 2020). It is not hard to see why. Twice in this century has a person become president with fewer votes than their main opponent. Demand for “a third party” is at a twenty-year high (Drutman et al. 2018), and so is the share of self-identified independents. Party primaries have become crowded even though they are “winner-take-all.”³ Finally, the presidency of Donald J. Trump (R) has left important players feeling homeless in politics.

The thing about dismantling electoral systems is that they need to be replaced. This involves decisions about three components and, crucially in the United States, two auxiliary issues. First is district magnitude, otherwise known as the number of seats per district. Second is ballot type, or what

¹ <https://twitter.com/mcuban/status/1319287043311063041>.

² I thank John Polga for reminding me that this less true outside the United States.

³ “Winner-take-all” is a reformer way of describing status quo elections. Typically, it refers to a system in which *one slate is likely to win every seat*, but its definition can change over time. For example, a recent report by the American Academy of Arts and Sciences described single-seat ranked voting as non-winner-take-all. Earlier writing in reform circles would have called this system winner-take-all (Cossolotto 1993).

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appears on a ballot and how voters express choices. Third is allocation rule or what we do with votes to decide who gets seats (Rae 1967). The auxiliary issues concern assembly size and whether parties will structure nominations. Who will design the electoral system? Whose ox will get gored?

What follows will be technical, and that is by design. As I write this, there is confusion about “ranked choice voting” (RCV). Broadly, this means ranking candidates in order of preference. But RCV can refer to many electoral systems, each with different implications for representation. One version, the single transferable vote (STV), might bring more parties into legislatures. Its single-seat version, the Alternative Vote (AV), tends to keep them out. It is common to differentiate these by district magnitude, i.e., “single-winner RCV” and “multi-winner RCV.” But a third RCV uses multi-seat districts with a majoritarian formula. This “block-preferential” system is explicitly designed to minimize minority representation. All of these will be explained in due course, as well as the role of assembly size. For now, note how much detail is swept under the rug.

Further, STV is one of many types of *proportional representation* (PR), now crowded out by the term “ranked choice voting.” Broadly, PR refers to a class of electoral systems that make parties’ seat shares more *proportional* to their vote shares. PR carries potential to “slay” the gerrymander, undo the urban geographic disadvantage, and give more votes equal weight overall.⁴ I do not want to be too hard on STV. The *Fair Representation Act*, which is based on STV, may be our best hope for more democratic congressional elections. Yet STV comes with challenges that do not exist in other systems, namely PR based on party lists. One is that a vote can leave some party (or coalition) then help the opposition get elected. Another is that candidates from one side of the aisle can owe their seats to voters on the other.

Another crucial question—who nominates what?—cuts to the heart of what happens in legislatures. Many RCV proposals would not let parties choose their own nominees, simply because non-partisanship already is law. These include the variants noted above, each used in cities around the United States. Recently, however, one part of the reform community has sought to combine AV with “open primaries,” properly understood as

⁴ On the democratic character of PR elections, see Blais et al. (2005: 182): “During this period of democratization the idea that each individual should have one vote and each vote should count the same gained enormous ground. From that perspective democracy and PR appeared to dovetail perfectly.” For formal treatment, see Hout and McGann (2009) and Li (2019). On gerrymandering and geography, see McGann et al. (2016) and Rodden (2019).

non-partisan two-round systems.⁵ Such proposals would not remove party labels from ballots, but they would prevent a party from advancing *one slate* to the decisive round of an election. In other words, they aim to pit co-partisans against each other *within the legislative delegation*. So far, reformers in the “more parties” camp have tended to go along with this. So have some proponents of minority representation, with an eye to easing transitions to STV. Such is the price, in a two-party system, of reforms to break up the duopoly. Reformers must appeal not to parties as entities, but to disaffected factions of the major parties. But if we agree that parties organize legislatures—or that majorities should be stable between elections—we need to think about how reform affects *control of government*. Otherwise, *reform may not outlast the coalition that imposes it*.

Then, unrelated to any specific electoral system, is whether it matters where reform originates. If we care about policy, it may. Say that we have problems with an incumbent government.⁶ Say we think some new rule—call it Elephant Voting—is a way to change that government, either in part or in its entirety. Why would that government ever agree to such a change? One answer is that reform will not threaten its power, or that it needs reform to stay in power. And, if we cannot get reform from an incumbent government, we have to build a coalition to get around that government. How much compromise is acceptable? On what reform details? And on what issues?

Finally, why has reform gotten so much attention in so short a period of time? Just a few years ago, not many cared: a small nonprofit in Maryland, another in California, the Green and Libertarian parties, and a handful of voting-rights activists. Now, David Brooks (2018) calls STV “one reform to save America,” the *New York Times* (2018) says we should use it to elect the U.S. House, and newer donors have backed AV instead. How might we think about what some have called this “new era of political reform” (Diamond 2018)?

This book explores reform politics by way of two devices. One is a theory of reform in general, based on the idea of “shifting coalitions.” The players are politicians and allied interest groups, motivated to get or keep control of government. Reform can be *coalition-insulating*, *coalition-realigning*, or

⁵ All candidates, regardless of party affiliation, compete in the first round. Then some number advance to round two, where AV is used to pick the winner. Open primaries are not this. With open primaries, each party still has one nominee (or slate), but any voter can participate in its selection.

⁶ I am careful here to say *incumbent government*, as some incumbents may have objections to the government that has formed.

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polarizing. What differentiates these modes is where reform originates. Reform episodes in other countries have tended to be *insulating*, i.e., brought about by incumbent governments facing competitive threats. A smaller set have been *realigning*: out-of-power groups peeling off some portion of a ruling coalition. Finally, in a *polarizing* mode, opposing sides of the aisle force a “middle” to pick sides. The theory suggests why reform happens at all (coalitions are shifting), illuminates why reforms take the shape that they do (they reflect the interests of the groups that strike the deals), and shows what it might take to make a government reform itself (social-movement insurgency). A typical story at the national level involves new-party entry *in advance* (Colomer 2005), but other paths are conceivable.

The second device is a history of Americans’ last big push for electoral-system reform. It centers on STV in twenty-four municipalities (Fig. 1.1): its adoption, operation, and repeal in all but one case.⁷ But this is not an urban politics story. Reformers were using cities as demonstration sites because they could not win PR at higher levels. Further, reformers were promoting STV in the first place because crucial allies opposed parties *in general*. Among them were proponents of majoritarian ranked-ballot systems, adopted in at least sixty-one places from 1907–25.⁸ Working with this group helped get STV passed, but the reforms were not stable, and reformers found they needed parties after all.

Several ghosts of the old movement still shape American politics: party-free ballots, small city councils, at-large elections under “winner-take-all” rules, and winners who often come from a “good government” slate. Many appeared in cities that never tried STV, and they came to be seen as voter-suppression devices.⁹ I will not say much about these “unintended”

⁷ Not included are the single-tax colonies of Arden (DE) and Halidon (ME). Arden, now a village under Maryland state law, has used STV since 1912 to elect its Board of Assessors. See the *Proportional Representation Review* for October 1915, p. 2. Thanks go to Drew Penrose for discovering this continued use. In Halidon, STV was in effect for village council elections as of 1911. See the *Proportional Representation Review*, in the *Equity Series*, for October 1911, p. 193. STV also was used for New York City school board elections, 1970–2002. See http://archive.fairvote.org/library/geog/cities/ny_school_board.htm.

⁸ See Weeks (1937) on eleven states’ use in primaries, then Kneier (1957: 444) on at least fifty-five more cities. These cases are addressed in Chapter 3. Maloy (2019) makes a strong argument for the expressive voting that such systems enable.

⁹ On voter suppression and the “good government” slate, see Bridges (1997). On at-large elections to small city councils, the best introduction is Bridges and Kronick (1999). On non-partisan ballots, see Schaffner et al. (2001). For a unified view of effects on voter turnout, see Hajnal (2009).

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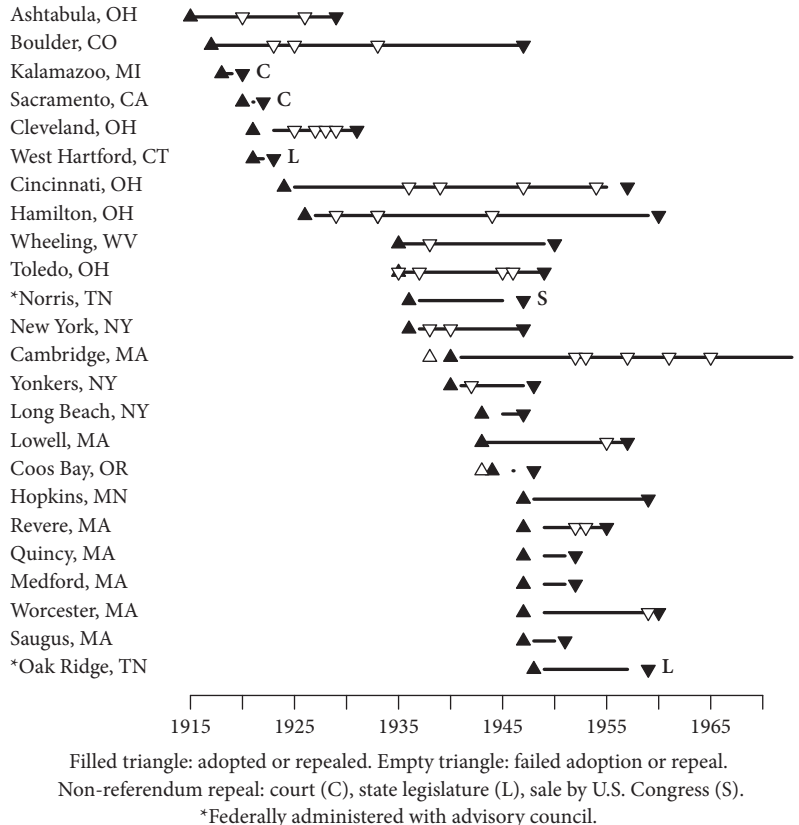


Fig. 1.1 Spells with the single transferable vote in U.S. cities.

consequences, but readers should know that the old movement helped spread them.¹⁰

When we put these devices together—a general theory of reform, then American reform history—we get a clearer picture of reform in our own time. As long as there are only two serious parties, reform must cater to factions of those parties. These factions will be tempted to design reforms that do not acknowledge party organization. This is because the reform project itself goes against the overarching party system. The point is to

¹⁰ Walter J. Millard, a key field operative, widely promoted charter reform in general, despite primary commitment to proportional representation. This was a concession to the National Municipal League, which absorbed the PR lobby in 1932. See Hallett and Woodward (1949) on his participation, then Millard (1943) for a sense of growing cynicism.

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disrupt it, not to channel already-existing multiparty competition. In the short run, reformers will need some way to organize government. In the long run, *reform may not outlast the reform coalition*. Exceptions in this book prove the rule: where reform coalitions learned to ration nominations, or where fleeting new parties rallied to reform's defense. The choice between two and no parties is false. The real choice is between two and more parties.

Second, reform becomes likely where realignment is felt. By reform, I mean change of the electoral system—adoption, repeal, or to something else entirely. By realignment, I mean change in policies that opposing sides stand for, as well as the sorts of voters who tend to support either side. (I mean “side,” not party, as multiparty systems also have “sides.”) Without such shifting coalitions, incumbents have little reason to change the rules through which they won,¹¹ and out-of-power groups cannot get the votes for reform. Not all realignments bring electoral reform—there need to be reformers as well—but many reform episodes implicate realignment. Both involve decisions about ruling coalitions.¹²

1.1 On party lists and “vote leakage”

STV advocates target two constituencies. One is the fan of party proportionality. This person wants a party with, say, 10 percent of votes to get 10 percent of seats in a legislature. Or they want the party with a majority of votes to get a majority of seats. The other sort of person wants weak partisanship, e.g., for candidates to seek votes from both sides of the aisle. These goals are fundamentally in tension. A review of STV around the world—and of PR more generally—shows that the second sort usually loses out. For now, STV has the following properties:

1. Voters rank candidates in order of preference.
2. A quota is calculated, otherwise fixed in advance. The Droop quota is most common: $\lceil [V/M + 1] \rceil + 1$, where V means total valid votes cast, and M means district magnitude. Where $M = 1$, the quota is a majority, and STV becomes the Alternative Vote.

¹¹ Unless it is to shrink or grow the pool of eligible voters (T. Schwartz 1989: 14–15).

¹² I am not saying that every alternation-in-power implies a realignment has happened. However, over long periods of time, it is possible to point to “natural governing parties,” both in comparative and American politics.