

INTRODUCTION

Every voter should have the opportunity to vote for candidates that best reflect the voter's views. Yet in most states, election laws undermine the viability of third-party candidates. The two-party system is constructed so that the presence of third-party candidates often allows major parties to win without a majority of the vote. Thus, voters often feel that they must choose between major party candidates that they do not fully support in order to avoid "wasting" their vote.

Fusion, or open ballot, voting helps to give voters more choice by allowing multiple parties to endorse the same candidate. This allows voters to both support the party of their choice and vote for a candidate with a realistic chance of winning. Prior to the late 19th century, this practice was commonplace in many states. To strengthen our democracy, fusion voting should be legalized in states where it is not already in place.

This Policy Brief explains how fusion voting works and how it would help to strengthen American democracy. We provide links to existing research and identify organizations that can be contacted for further information. We also include information on the cost of implementing fusion voting, the public perception of this idea, talking points, and information on what other states are doing.

About CSI

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A non-partisan, not-for-profit institution, CSI provides many types of assistance to state executives interested in implementing progressive policies.

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RATIONALE

Fusion, or open ballot, voting is a simple, virtually costless reform which helps to strengthen democracy by allowing multiple parties to endorse the same candidate, giving voters the chance to support the party of their choice and vote for a candidate with a realistic chance of winning.

Under conventional voting rules, not only is it difficult for third-party candidates to win an election, but the presence of third parties makes it possible for major party candidates to win an election without receiving a majority of the vote. The difference between fusion and non-fusion voting is that by allowing cross-party endorsement, the open ballot allows everyone to vote for the party they believe in and for a candidate with a real chance of winning. Even if third parties don't win per se under open ballot rules, the fact that electoral competition creates a need for minor party allies discourages major parties from converging on the so-called median voter. The presence of viable minor party options encourages participation by giving a greater voice to voters who feel alienated from the current political system. Furthermore, third party voters can use the threat of collectively withholding their votes as a means of getting major party legislators to take up issues which might otherwise get passed over. In sum, ballot fusion (1) promotes effective third parties, (2) encourages major parties to differentiate themselves, (3) helps mobilize voters and encourage turnout, and (4) gives motivated blocs of voters influence over specific issues.

For Additional Information

The Brennan Center for Justice
www.brennancenter.org

- "More Choices, More Voices: A Primer on Fusion"

Demos
www.demos.org

- "Fusion Voting: An Analysis"

COSTS

The costs of adopting fusion voting are minimal and in most cases would be only one time expenses, especially in places which already have a history of independent candidacies. Additional costs are potentially added as a result of the need to print longer ballots and reprogram voting machines so that a single name can appear twice on a ballot without getting counted twice. One estimate suggests that the addition of a fusion candidate only costs approximately \$6.50 per town. This is the same amount that it would cost to run an independent candidate, meaning that fusion voting is not introducing costs above and beyond what have might already been allocated for third-party candidacies. Similar findings are reported in a recent study examining the costs associated with implementing open balloting in Oregon and Maine. While allowing cross-endorsement may require states to pay to have voting machines updated and recertified, the technology needed to count fusion ballots is widely available at minimal cost.

For Additional Information

Demos
www.demos.org

- "Fusion Voting: An Analysis"

National Open Ballot Project
www.openballotvoting.org
(Note: This website link doesn't work.)

- "Technical and Cost Considerations of 'Fusion Voting' in Oregon and Maine"

PUBLIC PERCEPTION

A majority of Americans say that it would be good to elect an independent or third party candidate to the presidency (see Figure 1).

A significant number (though less than a majority) question the efficacy of third parties in a two-party system because of concerns about spoiling an election (see Figure 2) or wasting their vote (see Figure 3).

For Additional Information

Harris Interactive
www.harrisinteractive.com

- Harris Poll (July 2007)

Figure 1
PUBLIC SUPPORT FOR THIRD PARTY CANDIDATES

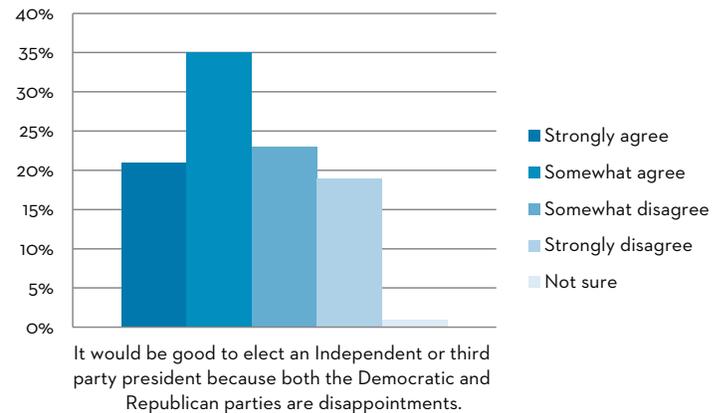


Figure 2
PERCEPTION OF THIRD PARTY "SPOILER" EFFECT

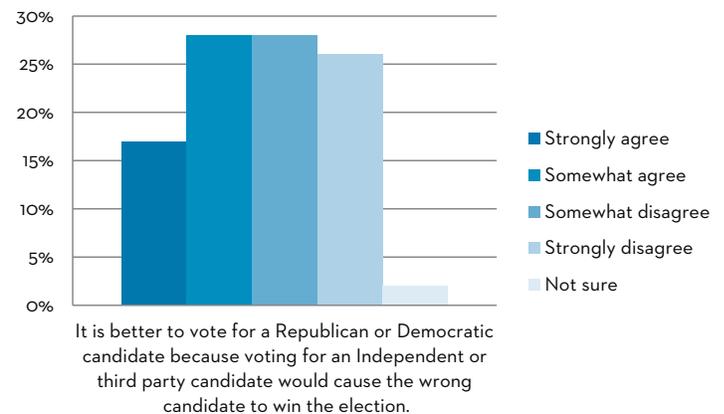
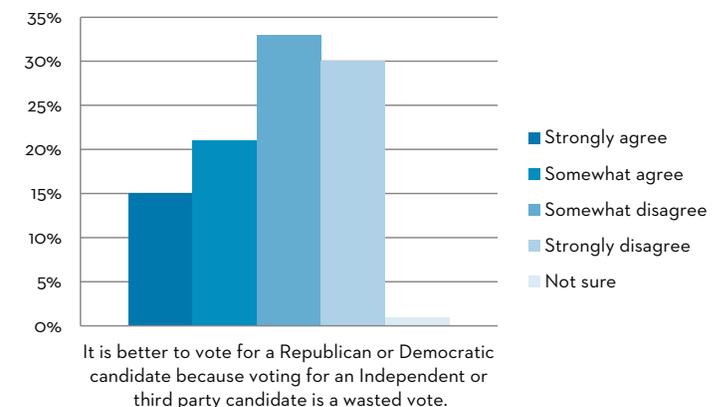


Figure 3
PERCEPTION OF THIRD PARTY EFFICACY



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TALKING POINTS

Doesn't fusion voting encourage political patronage?

There is a difference between the appointment of public officials on the basis of party affiliation and the appointment of officials on the basis of policy position. Patronage typically refers to the former, and there is no reason to think that the presence of viable third parties will make this any more prevalent than it is under the existing system.

Won't fusion voting empower fringe groups?

“Fringe” groups will only be empowered to the extent that they can actually attract voters. Major party candidates always retain the capacity to decline minor party nominations.

Won't fusion voting threaten the identity of third parties?

Third parties who are concerned about maintaining an independent identity do not have to endorse major party candidates. In general, fusion voting enhances the power and visibility of third parties.

Won't fusion hurt the two-party system?

The persistence of the two-party system is due to the prevalence of plurality voting and single-member districts, not restrictions on open ballot voting. Rather than creating a genuine multi-party system, fusion creates a place for third parties within the existing two-party framework.

For Additional Information

The Brennan Center for Justice
www.brennancenter.org

- “More Choices, More Voices: A Primer on Fusion”

WHO ELSE IS DOING IT?

While there are a number of states that technically allow open ballot voting, in many cases the difficulties associated with open balloting are so great as to make cross-endorsement nearly impossible in practice. Fusion is currently a regular political practice in nine states: Connecticut, Delaware, Idaho, Mississippi, New York, Oregon, South Carolina, Vermont, and New Hampshire (when a write-in candidate wins a primary).

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WHAT CAN YOU DO?

The fight over fusion has a long history in the United States. Open ballot voting was widespread until the 1890s when major parties began to push states to prohibit cross-endorsement. For the most part, it is not that states are now consciously adopting fusion, so much as it is that there are states where fusion was never banned. Recent efforts to lift restrictions on fusion have been pursued through the legislature.

As noted previously, there are states in which fusion is allowed but is largely ineffective due to the way in which it is implemented. For example, in some fusion states, candidates who are nominated by multiple parties are only listed once, along with the names of all the nominating parties. Under this system, voters can vote for a candidate but cannot specify which of the endorsing parties they support.

New York's system is probably the best example of "clean" fusion – candidates are listed once for each party that nominated them, making it possible for voters to support a candidate as well as a specific endorsing party. Sample ballots are available through the National Open Ballot Project.

Adoption of fusion voting will require legislative action, but some administrative changes – such as making the ballot cleaner and easier to understand – may be undertaken by election administrators. In other states, Governors can use their bully pulpit and influence to get fusion voting adopted in their states. In some states, fusion voting could be pursued through popular initiatives.

For Additional Information

The Brennan Center for Justice
www.brennancenter.org

- "More Choices, More Voices: A Primer on Fusion"

National Open Ballot Project

- "National Open Ballot Update July 2007"
- "Sample Fusion Ballot"