

An Old-time Remedy for our Electoral System: Fusion Voting

Barbara Dudley

One in five Oregonians registers independent—this is almost as often as they register as either Democrat or Republican. An alarming number of people do not vote at all.

Members in each of these categories believe major party candidates do not represent the issues they care about and are not accountable once in office.

In our two-party “winner take all” system, most people are reluctant to vote for a third party or minority party candidate because they feel they will be wasting their vote or indirectly electing a candidate they like the least. This *spoiler effect* discourages the development of third parties as well as discussion of issues. The lack of voter choice built into our electoral system and voter disinterest in general have led to a discussion about restoring *fusion voting* in Oregon.

The mechanics of fusion are simple. Candidates can be listed on two different party lines on the ballot and voters can vote for the candidate on either line. The votes are tallied separately and then added together for the candidate’s total. This simple reform gives Democrats and Republicans incentive to cooperate with a new party because fusion permits a minor party to nominate or cross-endorse a major party candidate.

Using fusion, minor parties can demonstrate in clear and unequivocal terms how much support—the lifeblood of candidates—they can deliver. As things stand now, when third parties run a candidate, their final vote count underestimates their actual support in the electorate.

A Focus on Issues

Most support for fusion voting comes from people who want to focus on issues rather than on candidates. Cross-nomination of candidates lets voters cast a ballot for the party standing most strongly for their issues. The ability to demonstrate votes delivered for a specific issue gives independent and minority party voters greater influence with

statewide and national candidates in the major parties, especially when a third party provides the margin of victory.

If fusion had been legal for national elections in 2000, the Green Party could have chosen to nominate Al Gore, and a vote for Gore on the Green Party line would have made it clear that his margin of victory had come from people who cared about Green Party issues. In Oregon, a minority party, such as the Libertarian Party, could cross-endorse a candidate like Ron Saxton. Kulongoski could be cross-nominated by the Libertarian Party, Green Party, or most likely, by the newly created Working Families Party (WFP). A vote cast for Kulongoski on the WFP line would let him know exactly how important healthcare reform or funding for public education is to an important group of his supporters.

History

At the end of the 19th century, the populist party in Oregon (called the Union Party or, later, the People’s Party) was a viable third party made up of Grangers (the Grange), the Knights of Labor, and prohibitionists. Populists advocated, among other ideas, a progressive income tax, the direct election of Senators, and women’s suffrage. The populists regularly “fused” with the Democratic Party and, as a result, populist candidates were elected at the state level, allowing a number of populist reforms to be put in place. On the national level, in 1896, the populist candidate William Jennings Bryan was cross-endorsed by Democrats and populists to run against William McKinley.

In 1896, during a depression, Republicans won the presidential election as well as a majority of state legislatures by blaming the depression on Grover Cleveland and catering to anti-suffrage sentiment. They immediately focused their efforts on making fusion voting illegal. They succeeded in Oregon and in most other states. The need to address the corruption in the 1896 election system inspired widespread introduction of the Australian Ballot (our current system) which made fusion voting even more difficult.

Third parties could no longer create their own ticket (before the Australian Ballot, parties published and distributed voting “tickets” to voters before elections). Using the Australian Ballot, election officials from the two major parties could also require that candidates and parties qualify for a line on the ballot, reducing the ability of minority parties to get or stay on the new “official” ballots.

New York State gives us the best example of how reintroducing fusion in Oregon could change the political landscape. In New York, where fusion was never banned, there have long been viable minor parties, primarily the Conservative and Liberal Parties. Recently, the WFP has gained prominence, cross-endorsing more than 500 candidates across New York. It has earned credit for a substantial increase in New York’s minimum wage and also for the reform of the Rockefeller Drug Laws.

Give People Choices

Fusion voting is about choices on issues, not candidates. This focus on ideas rather than the perceived attributes of candidates is an antidote to our current personality-driven electoral system. In our present two-party, “winner take all” system, with its focus on candidates as well as its built in spoiler effect, we do not really have as many choices as we did at the end of the 19th century. Choice is important. In market economics, people’s choices signal to producers what people want by responding to an array of choices based on price and perceived quality. In electoral politics, choice makes politicians responsive to all their constituents.

It would be naïve to pretend that both major parties are not highly influenced by corporate lobbies, wealthy individuals, or well-organized groups. Fusion voting would give voters who disagree with the platforms of the two major parties the opportunity to publicly express their preferences at the polls and send accurate signals to elected officials. ▲

The United States Supreme Court

In *Timmons v. Twin Cities Area New Party* (1997), the US Supreme Court upheld a Minnesota law banning fusion. The New Party had filed suit against Minnesota election officials, contending that the State’s anti-fusion laws violated the First and the Fourteenth Amendment’s right to free association.

According to the Court (Chief Justice Requist wrote the opinion), prohibiting political parties from naming another party’s candidate as their own did not overly burden their First Amendment rights because they were still free to endorse another party’s candidate by other means. The only thing they could not do was “fuse” another party’s candidate to their own ballot.

In *Spoiling for a Fight*, a book on third-party politics in America, Micah L. Sifry points out that *Timmons* “was the first time that the High Court said that the state had a legitimate interest in favoring the existing two party system,” despite the fact that the US Constitution makes no mention of political parties.

Therefore, the right to ban or protect fusion laws rests with each state. Fusion activists have now moved to a state-by-state legislative strategy. While many states’ anti-fusion laws may be a violation of state constitutions, most activists favor a straightforward change in state election law rather than a judicial challenge. ▲

Jay Hutchins

The Working Families Party in Oregon

Barbara Dudley

In 1998, a coalition of labor unions and community organizations formed the New York Working Families Party (NY-WFP). The WFP regularly fuses with Democrats, and occasionally Republicans, who support their issues. These include living wages, a more progressive tax system, support for public education, and universal health care.

By focusing on issues rather than candidates, the WFP has earned credit for a substantial increase in New York’s minimum wage, and also for reform of the seemingly intractable Rockefeller Drug Laws. It has also held the line against tax cuts and actually increased funding for public education in New York City.

In Oregon, a similar coalition of labor and community organizations united in 2006 to form the Oregon Working Families Party (www.oregonwfp.org). Having submitted sufficient signatures in June to qualify as a minor party, the Oregon WFP is joining with other minor parties and a number of policy-based nonprofit organizations to convince the Legislature to restore fusion voting in the 2007 legislative session.

The Oregon House passed a fusion bill in 2005, with only two negative votes. That bill (HB 3021), which had been introduced by Representative Jeff Kropf on behalf of the Libertarian Party, died for lack of a hearing in the State Senate. A new bill will be introduced in 2007. For more background on the national effort to restore fusion voting, there are two recent articles in *The Nation*, September 12, 2005, and in *The American Prospect*, May 3, 2006. More details about the NYWFP can be found at www.working-familiesparty.org. ▲

