Advantaging Authoritarianism

How the U.S. electoral system favors antidemocratic extremism

Grant Tudor

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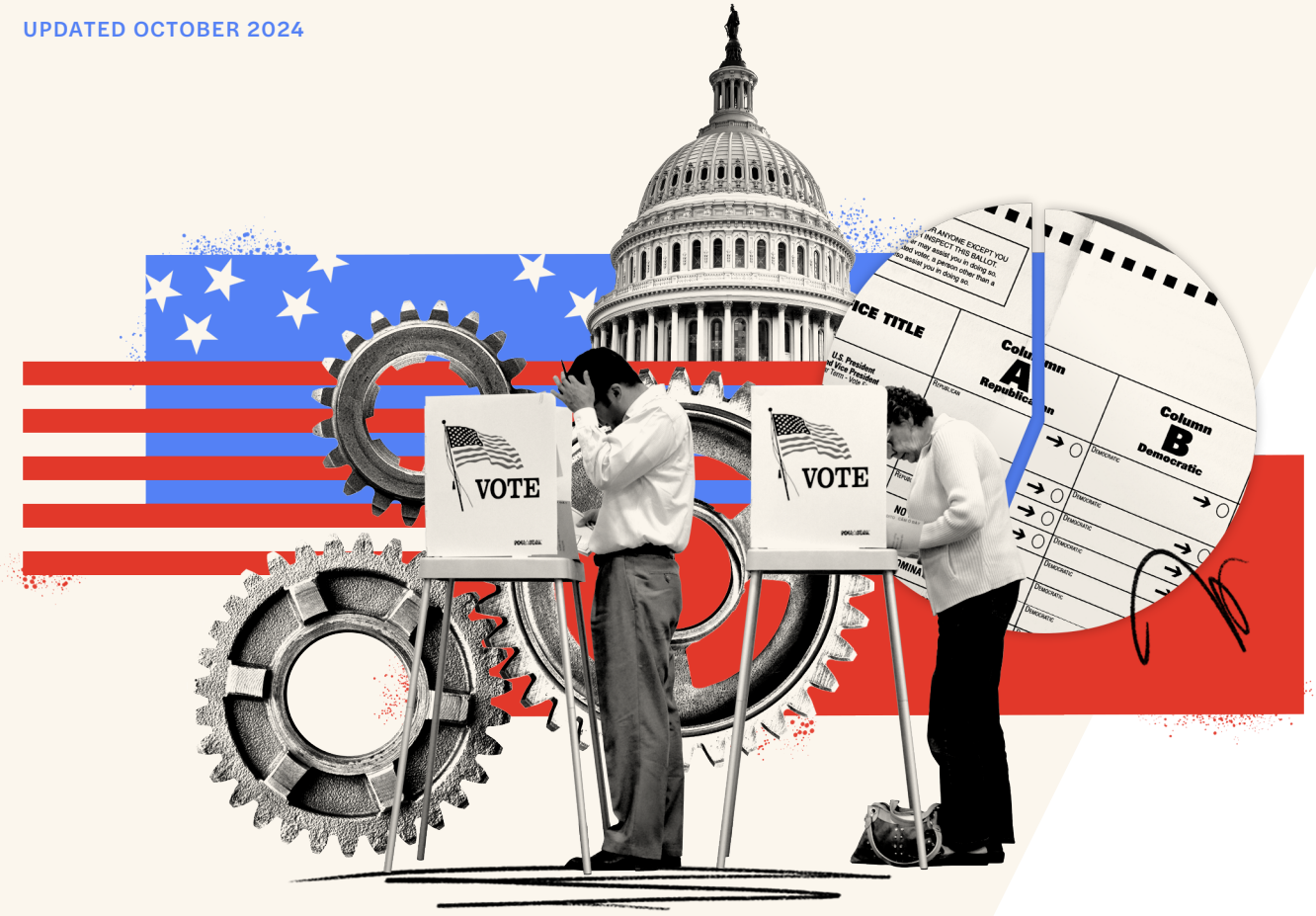

Protect Democracy

Protect Democracy is a nonpartisan nonprofit organization dedicated to preventing American democracy from declining into a more authoritarian form of government.

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Preface

IN STATES LIKE ARIZONA, Michigan, and Pennsylvania, election deniers will not be administering the upcoming 2024 elections. That's thanks to the results of the 2022 midterm elections, which delivered a nationwide repudiation of election denialism for statewide offices.[1] Governor and secretary of state candidates who embraced the Big Lie were roundly defeated, often by comfortable margins; and various polls found that the issue motivated an important segment of voters.[2]

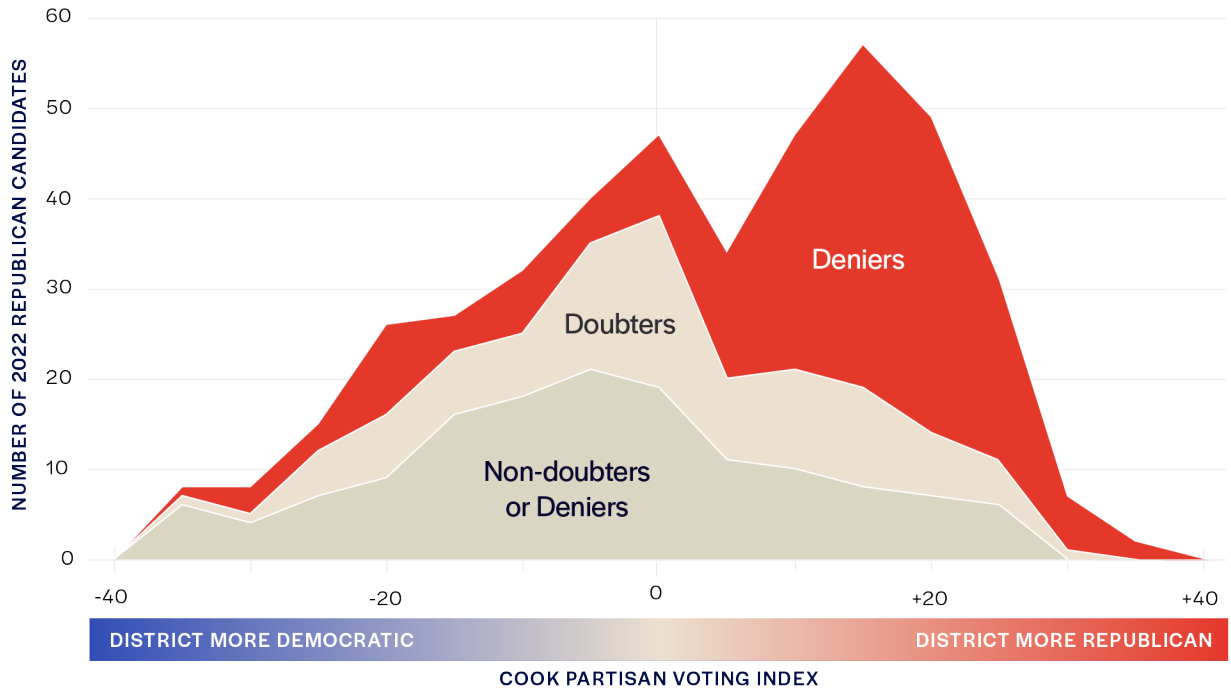
However, a different and more sobering story played out in elections for the U.S. House — as it likely will again this fall. There, election deniers secured 138 of the chamber's 435 seats, winning 75 percent of the races in which they ran. In Pennsylvania, of the eight Republicans elected to the state's U.S.House delegation that year, all but one supported over turning the results of the 2020 presidential election (though not their own races). Their electoral success, along with the good fortunes of the rest of the House's election deniers, cannot be separated from an electoral system for the House that, as this report contends, structurally advantages extremism.

Electoral system choices carry profound implications for a country's politics. A robust political science literature finds that some systems ensure more of a population is represented in its legislature and some less. Some temper polarization while some aggravate it. Some induce more cooperation and compromise while some cut against them. As Larry Diamond and Marc Plattner, the founding editors of *Journal of Democracy*, explain,

> [An] electoral system can shape the coherence of party control of government, the stability of elected governments, the breadth and legitimacy of representation, the capacity of the system to manage conflict, the extent of public participation, and the overall responsiveness of the system .... [It] may polarize electoral politics or ... unwittingly empower extremist political forces .... These dimensions of democratic character and quality, in turn, may well determine whether democracy survives or fails.[3]

> "Various features of the U.S. electoral system in particular give extremists a leg up.

Candidates who denied the results of the 2020 presidential election were far more likely to run in safe Republican districts.



Whereas most of today's democracies use some form of a proportional electoral system to elect their lawmakers, the U.S. uses winner-take-all, wherein a single candidate, with a plurality or majority of the vote, represents an entire district ("takes all"). The system is taken as a kind of given: how else would elections work? Though in fact, the system is increasingly unusual, currently in use across only a few major democracies. And as political scientists warn, it is an especially risky choice for those democracies with deep and enduring divisions — like ours.

Various features of our electoral system in particular give extremists a leg up. To preview one example: consider the phenomenon of "safe" districts. The nomenclature is so common as to be accepted as an almost immutable fact of our elections. Voters either live in a "safe" district or a "swing" district. But the phenomenon is not especially common elsewhere. Our winner-take-all system uses single-member districts, which are uniquely sensitive to the spatial distribution of voters. If a district votes, say, 60 percent Republican, it is typically "safe" for Republicans; a single winner will easily carry the entire district. Partisans must be almost perfectly balanced in a district to make it competitive — not quite a practical requirement to begin with, but made all the worse by the phenomenon of partisan sorting, whereby voters of similar partisan leanings increasingly live near one another, creating more and more lopsided districts. Single-member districts are also uniquely susceptible to gerrymandering, generating the same effects as partisan sorting but done intentionally. By contrast, other electoral systems, such as systems of proportional representation that instead use multi-member districts, are less sensitive to the spatial distribution of voters and make

gerrymandering prohibitively difficult. They in turn tend to feature more competition.

How an electoral system structures competition has far-reaching consequences. In 2022, according to an analysis by Protect Democracy, 77 percent of election denier candidates ran in districts that favored Republicans, compared to only 42 percent of "doubters" and 30 percent of candidates who neither doubted nor denied results.* The figure on page 3 provides a more detailed look at how Republican candidates were distributed across districts, with Democratic-leaning districts to the left and Republican-leaning districts to the right. The majority of deniers did not just run in districts that simply favor Republicans; they ran in some of the safest districts possible for them, unlike non-denying Republicans. That is, deniers ran in safer districts, and then more handily won absent meaningful competition.

This report, first published in 2022, implicated the U.S. electoral system as a meaningful factor in the disproportionate political power enjoyed by America's authoritarian faction. Key features of the system, like single-member districts, make it easier for antidemocratic extremists to secure power — such as by insulating them from competition.

The report also warned that absent changes to the fundamental design of the system, antidemocratic extremists were likely to continue securing power incommensurate with their actual support.

Those changes, if they come, may yet be far off. Still, in the only two years since this report was first published, once improbable reform ideas have gained momentum. In 2022, *The New York Times* featured an open letter by more than 200 scholars calling on Congress to scrap winner-take-all in favor of proportional representation[4] — a proposal featured since in the pages of *The Washington Post*[5], *The Boston Globe*[6], and *The Atlantic*[7], among a variety of other publications.[8] Various organizations, including Protect Democracy, are now litigating to overturn state bans on fusion voting — once commonplace across the country.[9] Calls for expanding the size of the U.S. House — last done over a century ago — are now also growing louder, including among lawmakers.[10]

The reformers behind these proposals believe in their promise for a variety of different reasons, such as to elect more centrist candidates or to give voters more choices. This report focuses on another: to give the pro-democracy coalition a fighting chance against the political ascendancy of America's authoritarian faction. Our current electoral system is tilting the playing field of our democracy, and in doing so abetting those who would do it harm. What follows aims to contribute to our understanding of *why* — what exactly it is about our system that is advantaging authoritarianism — as a first diagnostic step in the longer road to reform.

* Candidates were classified as doubters, deniers, or neither based on a combination of four factors: whether they supported the idea that the 2020 election was stolen; whether they were against certification in 2020; whether they supported the January 6 rioters; and whether they were endorsed by Trump leading up to the 2022 midterms. In general, candidates were considered election "deniers" if they expressed outright support for the idea that the 2020 election was stolen, and election "doubters" if they did not explicitly state that the 2020 election was stolen, but instead called for audits, refused to refute election lies, and/or implied there was pervasive election fraud.

Introduction

THE AUTHORITARIAN THREAT CONFRONTING the U.S. is profound. In 2020 and 2021, for the first time in its history, the U.S. experienced a sitting president's refusal to concede an election and a multifaceted campaign to overturn its results. Meanwhile, hundreds of bills designed to help partisans overturn elections have since been introduced, and some enacted, across dozens of states.[11] As one statement by 100 leading democracy scholars warns, "these initiatives are transforming several states into political systems that no longer meet the minimum conditions for free and fair elections."[12]

> "Understanding the escalating extremism and success of America's authoritarian faction requires understanding the U.S. electoral system.

Although once marginal, and despite ongoing efforts by center-right political leaders to counter its influence,[13] an extremist faction has secured its grip on one of America's two major political parties.

And yet, America's authoritarian faction does not enjoy broad-based support. To the contrary, anti-democratic politics in the U.S. remain unpopular. For instance, the vast majority of Americans — more than eight in 10 — disapprove of the January 6th rioters, including 75 percent of Republicans;[14] and consistently less than four of every 10 Americans approved of President Donald Trump.[15] Nonetheless, this faction is poised to experience continued successes; and the Big Lie behind the January 6th insurrection is spreading, not abating, as an increasing number of politicians propagate it.[16]

This report argues that understanding the escalating extremism and success of America's authoritarian faction requires understanding the U.S. electoral system: one uniquely translating limited factional support into outsized political influence.

At the heart of any electoral system is a set of choices that determine how *votes* are translated into *governing power*: the machinery of converting voter preferences into representative outcomes. As political scientist Robert Dahl once observed,

the U.S. system, "natural as it may seem to us, is of a species rare to the vanishing point among the advanced democracies."[17] This report contends that the U.S. electoral system is not only a relative anomaly among its democratic peers, but is also aggravating the authoritarian threat by advantaging and rewarding extremism.

> "No country is immune to the confluence of factors placing democracy under siege. But electoral system design choices certainly play a central role in either compounding the problem or better ensuring a fair fight.

First, this report presents a brief primer on electoral system choices. Four levers constitute the basic machinery of an electoral system: district magnitude, ballot structure, electoral formula, and assembly size. Far from a set of neutral choices, selections for each and how they interact *structure the probability of certain outcomes* and *shape political incentives*. By making some outcomes more or less likely, and by structuring incentives affecting politicians' and voters' behaviors, electoral systems carry profound implications for how societies manage conflict and respond to political extremism.

Second, it examines the core components of the electoral system used for most U.S. elections — winner-take-all — and ways by which its basic features may be structurally favoring extremism.

The system's underlying design decisions, such as district magnitude and electoral formula choices — along with other anomalous features of the U.S. system, such as party primaries and small assembly sizes — aggravate the authoritarian threat. In particular, this report assesses at least three ways by which the design of the U.S. electoral system is likely *accelerating antidemocratic extremism*, including by:

- Generating electoral biases, or exaggerating electoral wins in one party's favor,
- Rewarding coherent factions at the expense of less coherent majorities, and
- Collecting limited information about the electorate's preferences, including underlying consensus against extremism.

Additionally, there are at least three ways by which the U.S. system *blunts efforts to counter extremism*, including by:

- Weakening competition such that the far-right is increasingly unchallenged at the ballot box,
- Diluting minority voting power such that racial and ethnic minorities are systematically underrepresented, and

- Entrenching binary conflict that exacerbates animosity between partisans and marginalizes in-group moderates.*

Lastly, while this report does not advocate for any specific suite of reforms, it does **illustrate reform options and recommend pursuing reform as a strategy for protecting U.S. democracy against further backsliding.** Alternative electoral system design choices could incentivize broader coalition-building, lessen biases that favor one party over the other, enhance racial and ethnic minority representation, and facilitate greater electoral competition, among other potentially desirable effects to structurally help mitigate antidemocratic extremism. Absent basic changes to the U.S. electoral system, extremism is likely to continue accelerating. Electoral reform may thus prove essential to attenuating the authoritarian threat.

Importantly, this report will not suggest that either side of the political spectrum is uniquely susceptible to antidemocratic extremism. Both left- and right-wing authoritarian populism are on display across much of the globe;[18] and in the U.S., factions within both dominant political parties have, in recent years, become more extreme. However, they are not mirror images of one another. To the degree the U.S. electoral system is accelerating extremism, it is not doing so equally between America's major parties. The U.S. is currently characterized by asymmetric partisan polarization and lopsided extremism,† with the right moving much farther right — and at a much faster rate — than the left is moving left.[19]

While the current Republican Party is still home to center-right leaders and voters who express commitments to liberal democracy, authoritarian populism in the U.S., as in many advanced democracies, is today disproportionately driven by illiberalism on the far-right.[20]

Finally, this report does not argue that America's democratic backsliding can be fully explained by its electoral system. The authoritarian threat is a multi-causal phenomenon. Socio-cultural,[21] geographic,[22] and economic factors,[23] among others, have helped to pave the way for democratic deconsolidation, as they have globally.[24] Further, while the surge of extremism[25] and democratic backsliding[26] in the U.S. are more recently pronounced trends, they have occurred against the backdrop of an electoral system that has remained largely unchanged; the latter, therefore, cannot be held responsible for America's slide toward authoritarianism. However, as this report will argue, the U.S. electoral system is poorly designed to help weather this threat — and instead is likely exacerbating it.

What follows is focused on how distinctive electoral system features may be *accelerating the authoritarian threat* and making it *harder to contain and combat*, and how electoral system reforms may help to mitigate escalating extremism. No country is immune to the confluence of factors placing democracy under siege.[27] But electoral system design choices certainly play an important role in either compounding the problem or better ensuring a fair fight.

* This does not imply political centrism but instead refers to political actors who stand against antidemocratic extremism within their political party.

† For instance, "given the choice between a more centrist and more extreme candidate," local party leaders "strongly prefer extremists, with Democrats doing so by about 2 to 1 and Republicans by 10 to 1." David E. Broockman, Nicholas Carnes, Melody Crowder-Meyer and Christopher Skovron, *Why Local Party Leaders Don't Support Nominating Centrists*, British Journal of Political Science vol. 51, no. 2 (Oct. 24, 2019) at 724. Similar asymmetries are observable among elites. National Republican leaders are far more likely to employ constitutional hardball tactics than Democrats, more likely to use highly partisan language to communicate with the public — such as by "outbidding" opponents with increasingly extreme rhetoric — and more likely to distort electoral regulations to their advantage. *See* Theda Skocpol and Caroline Tervo, *Upending American Politics: Polarizing Parties, Ideological Elites, and Citizen Activists from the Tea Party to the Anti-Trump Resistance*, Oxford University Press (Theda Skocpol and Caroline Tervo, eds., Jan. 23, 2020); *see also* Annelise Russell, "Conservatives and Asymmetric Polarization" in *Conservative Political Communication*, Routledge (Sharon E. Jarvis, ed., 2021); Joseph Fishkin and David E. Pozen, *Asymmetric Constitutional Hardball*, Columbia Law Review vol. 118, no. 3 (2018) at 915; Vanessa Williamson, *Voter suppression, not fraud, looms large in U.S. elections*, Brookings (Nov. 8, 2016). For a general survey of asymmetric polarization in the U.S., *see* Yochai Benkler, Robert Faris and Hal Roberts, "Polarization in American Politics" in *Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics*, Oxford University Press (2018).

An Authoritarian Outlier

BROADLY, THE AUTHORITARIAN THREAT facing the U.S. is consistent with global trends. The vote share for right-wing authoritarian populist parties* has risen steadily for decades across advanced democracies[28] — a trend also buoyed by younger democracies.[29] The effects on democratic institutions have been devastating.[30]

Among peers, however, the U.S. is increasingly anomalous. Compared to other conservative parties in advanced democracies, the current Republican Party is an authoritarian outlier:[31] more extreme than France's National Rally and the Freedom Party of Austria, and more closely in the illiberal company of Poland's Law and Justice party and Germany's Alternative for Germany.[32] On certain dimensions, the authoritarian faction has pushed the Republican Party into something markedly more extreme than far-right parties that have dismantled democracy elsewhere. For instance, a survey of nearly 2,000 political scientists ranked the current Republican Party as "substantially more hostile to minority rights" than Hungary's Fidesz.[33]

Across much of Europe, far-right parties have been confronted with forceful political competition. In Finland, the far-right Finns Party (formerly, the True Finns) — which boasted the largest gains made by any political party in postwar Finnish history — entered a coalition government with the center-right in 2015.[34] But messy coalitional compromises while in power disillusioned its base and fractured the party, forcing it out of government and circumscribing its support.[35] More recently, in the Czech Republic, a broad coalition of left and center-right parties unseated the populist ANO.[36] Similar stories have played out elsewhere across Europe, with center-right parties moderating (or breaking apart) the far-right while in government, or blocking the far-right altogether through coalitions with parties on the left.[37, †]

In the U.S., by contrast, the far-right has successfully marginalized the center-right — and through aggressive antidemocratic behavior while in power, is securing its future electoral advantages in "a movement towards competitive authoritarian[ism]," [38, ‡] including by rewriting electoral regulations to interfere with election administration

* Authoritarian populists are defined here as political leaders who may ascend to power through democratic means but are illiberal in their espoused beliefs and governing. They "claim to speak on behalf of the people in contrast to various so-called out-groups: immigrants, racial and ethnic minorities, and all those who disagree with the populists' prescriptions," and using such a claim, "dispens[e] with constraints imposed on majoritarian decision-making in functioning liberal democracies." Dalibor Rohac, Liz Kennedy and Vikram Singh, *Drivers of Authoritarian Populism in the United States*, Center for American Progress and American Enterprise Institute for Public Policy Research (May 10, 2018).

† Reasons for the marginalization of far-right parties in Europe are manifold, with factors spanning both electoral and political systems. For instance, as Pedro Riera and Marco Pastor find, under certain circumstances, populist parties lose support when governing within a coalition. This is made possible in part by a proportional electoral system that enables multipartyism, but also by the requirement to form a coalition government within a parliamentary system in the first place. *Cordons sanitaires or tainted coalitions? The electoral consequences of populist participation in government*, Party Politics vol. 28, no. 5 (Jun. 30, 2021) at 889–902.

‡ A concept originally developed by Steven Levitsky and Lucan Way, competitive authoritarianism refers to a kind of hybrid regime "in which the coexistence of meaningful democratic institutions and serious incumbent abuse yields electoral competition that is real but unfair... Competitive politics persists because many autocrats lack the coercive and organizational capacity to consolidate hegemonic rule." *The New Competitive Authoritarianism*, Journal of Democracy vol. 31, no. 1 (Jan. 2020) at 51. Levitsky and Way observed that "new competitive authoritarian regimes have emerged in countries with strong democratic institutions," and that some characteristics emblematic of these regimes have "reached the United States." *The New Competitive Authoritarianism* at 51 and 63.

and to further disenfranchise already marginalized voter groups.[39] While gains by authoritarian populists elsewhere have in recent years either flatlined or abated,[40] the American far-right is consolidating power.[41]

The U.S. features both a more extreme far-right movement and a more successful far-right movement when compared to its peers. However, the relative extremism and success of the far-right in the U.S. is not the result of broad-based backing. Instead, limited factional support enjoys outsized political power.

the American far-right has secured electoral victories across all levels and branches of government.

Elsewhere, limited support for the far-right has translated into limited political power. In the U.S., limited support has translated into electoral victories and escalating extremism.

Meanwhile, if America's authoritarian faction appears uniquely advantaged, efforts to combat it appear uniquely disadvantaged. The vast majority of all congressional districts are now "safe," ensuring little meaningful competition from rivals

"Elsewhere, limited support for the far-right has translated into limited political power. In the U.S., limited support has translated into electoral victories and escalating extremism.

Across most advanced democracies, and despite gains, far-right parties have fallen short of sweeping electoral wins. Most remain deeply unpopular,[42] as they have for decades[43] — including in the U.S., where support for Trump remains well below a majority.[44] Among Republicans, Trump's approval rating has remained close to 80 percent, which equates to only roughly 20 percent of the voting-age population,[45] while other studies suggest only 15 percent of Americans are "MAGA" Republicans.[46] Indeed, as political scientist Lee Drutman observed, "if 'Trump Supporters' were their own party, they'd be about as popular as Germany's far-right AfD"[47] — Germany's fifth most popular party.[48] Yet while the AfD has so far been marginalized by Germany's mainstream parties, including by the center-right Christian Democrats, on the left.[49] And as far-right extremists purge the Republican Party of its pro-democracy conservatives,[50] the latter have "found themselves political exiles, banished or self-banished from the political home of a lifetime."[51] Some, in turn, have threatened to start a new party.[52] But viable push-back from a new center-right party is unlikely to be forthcoming. Not only does the American far-right appear to enjoy an electoral leg up, but it also appears to be well-insulated from competition.

Why America's far-right is anomalously successful, and why efforts to combat it appear structurally disadvantaged, is the central inquiry of this report. But first, it provides an overview of the core components of electoral systems in advance of examining their relationship to extremism in the U.S.

Electoral Systems: A Primer

IN 1978 AND 1981, "New Zealand had two consecutive elections in which the Labour Party won the most votes nationwide, yet the rival National Party formed the government."[53] In 2012, the Republican Party "won a commanding 234-201 majority in the House of Representatives despite Democrats receiving more votes in congressional races overall."[54] And in 2008, Canada's Green Party "received 6.8 percent of the votes in the national election for the House of Commons... yet it won exactly zero seats."[55]

> "Electoral systems are the sets of rules that govern how the preferences of voters are translated into electoral outcomes.

What explains each of these discrepancies? After all, in democracies, winners are expected to reflect votes. But as political scientists Matthew Shugart and Rein Taagepera note, "it is rarely so simple." Instead, "we need to know something about how votes get converted into governing power."[56] That is, we need to know something about a country's electoral system. This report defines an electoral system as *the sets of rules that govern how the preferences of voters are translated into electoral outcomes*.

The components of any system for conducting elections are numerous, including regulations of financing, ballot access, and candidacies; administration of voting procedures; legal regimes to certify winners; and so forth.* But "at the heart of the electoral system is the process of translating votes into seats."[57] For instance, most Americans live in a congressional district with a single representative; they may express a single preference at the ballot box for their representative; and the winner is the candidate who receives the most votes. Each of these are distinct and mutable rule-design decisions that transform voter preferences into representation results.

* These components can generally be conceived of as *electoral regulations*. As Michael Gallagher and Paul Mitchell explain: "Such rules... are all very important in determining the significance and legitimacy of an election. However, they should not be confused with the more narrowly defined concept of the electoral system itself." *The Politics of Electoral Systems*, Oxford University Press (2005) at 3. Erik S. Herron, Robert J. Pekkanen, and Matthew Shugart likewise draw the distinction between electoral *systems* and electoral *laws*: "the latter term could refer to provisions on who is eligible to vote, the criteria for candidacy, whether voting is mandatory, the day(s) on which voting is held, how disputes are to be resolved, campaign financing, and other legal matters that are not specifically about the votes-to-seats conversion process." *The Oxford Handbook of Electoral Systems*, Oxford University Press (Apr. 2017) at 2.

This section presents a brief overview of electoral systems, including common concepts and definitions, and how they structure electoral outcomes and shape incentives for political behavior. While far from a comprehensive overview, it intends to clarify what basic levers exist in an electoral system in order to next examine their use within the U.S. — and then, how they might be changed.

Component parts

An electoral system can generally be broken down into four core component parts that together constitute the basic machinery of translating votes into governing power.* It is helpful to not only distinguish between them, but to also understand them as *categories of choices* with different implications for electoral outcomes and political behavior. Decisions across these categories are interdependent, interacting with each other to produce system-level results. Ultimately, they structure the possibilities of certain outcomes and the incentives of political actors.

District magnitude

District magnitude is the number of seats in a legislative district. For example, voters in Washington elect two officials to represent their district in the state legislature's lower chamber (DM = 2), whereas voters in Arkansas elect one per district (DM = 1). Districts for the U.S. House of Representatives have a magnitude of one, since only one representative is elected per district.

Ballot structure

Ballot structure is how voters can express their preferences when casting their votes. For example, voters in Salt Lake City rank their candidate preferences (1st, 2nd, 3rd…) when filling out a ballot for the city council election, whereas voters in Philadelphia may select five candidates out of seven. This contrasts with the ballot structure for most congressional elections in the U.S., where voters are able to indicate one preferred candidate per office.

Electoral formula

Electoral formula is the method used to convert votes into a determination of winners and allocation of seats. For example, if no candidate for Louisiana's governorship obtains an outright majority, the top-two vote-getters must advance to a run-off in order to secure one. In Vermont, the candidate for governor with the most votes wins, regardless of any threshold — as is the case with most congressional elections in the U.S.

Assembly size

Assembly size is the total number of representatives in a legislative chamber, sometimes expressed in relation to population size (i.e., a constituent-to-representative ratio). For example, each U.S. House member represents, on average, nearly 800,000 constituents — among the highest ratios in the world.

Additionally, some scholars include candidate nomination rules as another core component of electoral systems, or the ways by which candidates are selected.[58]

Making choices across these component parts is inevitable — which is to say, choices cannot be avoided. Any electoral system requires selecting a district magnitude, a type of ballot structure, an electoral formula, and an assembly

* Douglas Rae first distinguished three of these key mechanics responsible for converting votes into seats. *The political consequences of electoral laws*, Yale University Press (1967). For a more expanded analysis of each, *see* Rein Taagepera and Matthew Shugart, Seats & Votes: *The Effects & Determinants of Electoral Systems*, Yale University Press (1989) at 19–37, or David Farrell, *Electoral Systems: A Comparative Introduction*, Red Globe Press (2011) at 6. Since Rae's original analysis, scholars have since included assembly size as a fourth key mechanism. *See* Shugart and Taagepera, *Votes from Seats: Logical Models of Electoral Systems*; Yuhui Li and Matthew Shugart, *The Seat Product Model of the effective number of parties: A case for applied political science*, Electoral Studies vol. 41 (Mar. 1, 2016); Rein Taagepera, *Predicting Party Sizes: The Logic of Simple Electoral Systems*, Oxford University Press (Sep. 2007).

Electoral System Design Choices

Four core choices constitute the machinery of every electoral system's conversion of votes into seats.

District magnitude

The number of seats in a legislative district

CHOICES

- **Single-member district:** A district is represented by a single elected official.
- **Multi-member district:** A district that has two or more representatives.

Ballot structure

How voters can express preferences when casting their votes

CHOICES

- **Categorical:** Voters select one candidate and/or party.
- **Ordinal:** Voters rank their choices in order of preference.

Electoral formula

The method used to convert votes into winners and allocations of seats

CHOICES

- **Plurality:** The candidate who receives the most votes wins.
- **Majority:** The candidate who receives a majority of votes wins.
- **Proportional:** Parties win seats in proportion to the votes they receive.

Assembly size

The total number of representatives in a legislative chamber

CHOICES

- **Constituent-to-representative ratio:** The size of a legislative body, expressed as the average number of constituents per representative.

size. Selections across these choices give rise to different types of electoral systems. For instance, countries that use multi-member districts with a proportional electoral formula generate a system of proportional representation. Countries that use either single-member or multi-member districts but with a plurality or majority electoral formula generate a winner-take-all system.

Electoral system variants are expansive — for example, no two systems of proportional representation look exactly alike — because rule choices within these categories are also expansive. An exhaustive examination of them is well beyond the scope of this report. Instead, Electoral System Design Choices (page 12) presents a simplified taxonomy to illustrate categories of rule choices for each. The purpose of this limited synopsis is to outline the basic mechanics of electoral systems as a prerequisite to an examination of the U.S. system.

> “In some respects, electoral system design decisions strictly limit or create the possibility of certain outcomes.

The choices presented here mask significant variations. For instance, consider a “majority” electoral formula in a single-winner race. With just two candidates, one will necessarily secure more than 50 percent of the vote. With more than two candidates, one might still receive at least 50 percent of the vote, but it is also possible that none will breach a majority threshold. Different majority electoral rules seek to solve for this dilemma. For example, *majority-runoffs* use a second and final race between the top-two vote-getters from the first round if no candidate initially secures a majority. *Preferential voting* (referred to as ranked-choice voting in the U.S.) uses an ordinal ballot on which voters rank their preferences; if no candidate initially wins an absolute majority, the weakest candidate is eliminated and the second-choice preferences expressed on her ballots are transferred. This continues until a candidate crosses the majority threshold.

To illustrate how choices across each of these core electoral system components come together, consider a U.S. presidential election: the machinery behind the Electoral College. (In light of the volume of existing material on the subject, this report will not analyze the Electoral College or reforms; the following is a conceptual illustration only.) First, voters are grouped into constituencies at the state level, with multiple electors — roughly proportional in number to the state’s population — representing each state (*district magnitude*: multi-member districts). Second, voters may list a single preference for their desired presidential candidate (*ballot structure*: categorical). And third, whichever candidate wins more votes than any of the other candidates in a state secures all of its electors (*electoral formula*: plurality).*

* This system is also termed “bloc voting” (as well as multiple non-transferable vote (MNTV) or plurality at-large). It is a variant of winner-take-all that selects several representatives (in this case, electors) from a multi-member district.

Reconfiguring any of these decisions would have significant ramifications.

Imagine, for instance, changing the electoral formula to a *proportional rule* in place of the current *plurality rule*, such that electors are committed to a candidate in proportion to a state's vote share. Currently, if a candidate is the top vote-getter in, say, California with 40 percent in a three-way race, she obtains all of the state's 55 electors (i.e., winner-take-all); otherwise, she obtains none. Under a proportional rule, the same candidate would instead obtain 22 electors, with the other two candidates splitting the remaining 33.* Among other effects, this might minimize the likelihood that a winning candidate receives more electoral votes than popular votes, as may happen when she takes a disproportionate share of the state's electors.[59]

Or, instead of changing the Electoral College's electoral formula, consider the effects of changing its *district magnitude*. A national popular vote for the presidential election — in which the district becomes the country rather than a state — would ensure that the candidate who wins the most votes nationwide is elected. It would also effectively eliminate the phenomenon of swing states, with electors more broadly up for grabs.[60] Such a rule change may in turn shift campaigning incentives and behaviors, such as prompting candidates to campaign more broadly across more states for votes.[61]

Different choices for each of an electoral system's core components structure a different electoral playing field. Rule selections can generate significant effects on at least two dimensions, as indicated by the above example: (1) making some outcomes more or less likely, and (2) shaping the incentives and behaviors of political actors.

Structuring outcomes

In some cases, electoral system design decisions strictly limit or create the possibility of certain outcomes.

For instance, under a *plurality rule*, certain outcomes are possible that are not permitted under alternative formulas, such as a candidate winning an election with less than a majority of the vote. In 2010, Paul LePage of Maine claimed the Republican gubernatorial nomination with 37.4 percent of the primary vote and won the general election with 37.6 percent.[62] Despite regularly ranking among the most unpopular governors in the U.S. during his first term, Governor LePage secured a second term, again with less than a majority of the vote.[63] Likewise, congressional primary wins with less than a majority are common.[64] In 2018, for instance, Representative Lori Trahan won her primary contest in Massachusetts with 21.7 percent of the vote, beating the second-place finisher by 0.2 percent in a ten-way race.[65] A majority rule would have required that Rep. Trahan secure an additional 28.3 percent.

Rep. Trahan's district, a "safe" district, has been represented by Democrats for two decades.[66] A change to its *district magnitude* — say, from one to three — would likewise structure different general election outcomes. As a general principle, the larger the district magnitude, the greater the degree of proportionality in outcomes and the likelihood that more parties — and in turn voters — are represented.† In this case, we would expect that Rep. Trahan's district, with its roughly

* While a higher district magnitude (as with the Electoral College's multiple electors per state) is typically associated with more proportional results, multi-member districts combined with a plurality rule can result in the opposite, such that "the more seats per constituency the less proportional the result." Farrell, *Electoral Systems: A Comparative Introduction* at 16. Indeed, the Electoral College regularly produces significantly nonproportional results. Katy Collin, *The electoral college badly distorts the vote. And it's going to get worse.*, The Washington Post (Nov. 17, 2016).

† This holds true only when combined with a proportional electoral formula; the use of a plurality or majority formula can have the opposite effect, decreasing proportionality with an increase in seats.

one-third share of Republican voters, would also send a Republican to Congress.[67] Which is to say, the district would no longer be "safe" for just one party. (Democrats, with a majority of votes, would also in turn secure a majority — two-thirds — of seats.) This is not to suggest that more than one party will always win seats, but only that the outcome is made more likely.[68] At the very least, opening up additional seats would almost certainly ensure that Rep. Trahan, who ran uncontested in 2020, faced contenders in the general election.[69]

> "As observed globally, higher district magnitudes make gerrymandering less viable, while lower district magnitudes make it more likely.

The boundaries of Rep. Trahan's district have also changed over time, making it vulnerable to partisan bias.* Partisan gerrymandering — the practice whereby districts are intentionally drawn in order to generate seats for one party out of proportion to votes won — is made easier by low district magnitudes. As observed globally, higher district magnitudes make gerrymandering less viable, while lower district magnitudes make it more likely.[70] In single-member districts (DM =1), such as those used in most U.S. jurisdictions, pervasive gerrymandering is not guaranteed by a low district magnitude, but is made functionally possible.[71] Unsurprisingly, political actors take advantage of the possibility, increasing the probability of biased electoral outcomes.† (Gerrymandering and Single-Member Districts on page 45 details the relationship between district magnitude and gerrymandering in more depth.) The predominance of both safe districts and gerrymandering are ultimately a function of district magnitude decisions.

While electoral system design decisions sometimes permit or restrict certain outcomes, in other cases they may simply change the likelihood of certain phenomena and results.

Shaping incentives

Electoral system design decisions not only affect outcome possibilities, but also shape the behavior of the actors within the system. Political scientists Thomas Zittel and Thomas Gschwend define electoral systems specifically along these lines, as "incentive structures which pattern the strategic behavior of candidates on the basis of given goals" — namely, "being elected or re-elected."[72]

* Partisan bias "is the difference between each party's seat share and 50% in a hypothetical, perfectly tied election." *2012–2020 Redistricting Plan: Massachusetts*, PlanScore.

† *See*, for example, current gerrymandering efforts throughout the current decennial redistricting process. Reid J. Epstein and Nick Corasanit, *Republicans Gain Heavy House Edge in 2022 as Gerrymandered Maps Emerge*, The New York Times (Nov. 15, 2021).

Each of the four main electoral system levers summarized above — district magnitude, ballot structure, electoral formula, and assembly size — create forceful incentives that operate on the behavior of both politicians and voters.[73] While political behavior is certainly multi-causal and reflects complex cultural determinants, formal rules also help to explain "the social cleavages and partisan identities of voters, and the diversity and behavior of elected representatives."[74]

Consider again the effects of district magnitude. In multi-member districts, legislators share geographic constituencies. And given that a higher district magnitude tends to generate greater ideological diversity[75] and party representation[76] in electoral outcomes, districts can be represented by a wide variety of officials. How does this affect officials' behaviors once in office? Research from Maryland, New Hampshire, North Carolina, Vermont, and West Virginia, for example (all of which have previously used multi-member districts to elect state legislators), finds that collaboration on legislation between representatives of the same district, both within and across parties, decreased with a shift to single-member districts — a reduction in policymaking collaboration among representatives who formerly shared constituencies.[77]

District magnitude may also influence legislators' beliefs regarding their roles, or how best they should represent their constituents. Comparative research of U.S. states finds that legislators in single-member districts are more likely to adopt the posture that "they are in office to follow the unfiltered opinion of the people," whereas those in multi-member districts are more likely to believe that they are in office "to act by making the best decisions possible," even if those decisions may conflict with constituent opinions.[78] Multi-member districts not only influence legislators' beliefs, but also their behaviors. A 180-country analysis found that representatives in multi-member districts are less likely to focus on developing a "personal vote" (generating support for themselves personally). The research also suggests that this may simultaneously increase the likelihood that voters judge officials based on their policy positions.[79]

Voters, too, change their behavior in response to different rules. For example, voters do not necessarily select their preferred candidate at the ballot box — a behavior termed strategic voting (or "insincere voting").[80] The behavior is in direct response to electoral rules, such as providing voters with a categorical ballot (a single choice) in a single-winner race.[81, *] In this context, voters are cautious not to "waste" their vote, such as by selecting a candidate with little perceived chance of winning the single seat available.[82] In 2016, as Donald Trump gathered more primary contest wins, voters in later primaries became more likely to select Trump rather than "waste" their vote on a more preferred but less popular candidate.[83] Certain rules can curb this behavior, such as ordinal ballots in single-seat races that minimize waste by permitting voters to rank their preferences and have their alternative choices counted in the event their top choice is eliminated from the race;[†] or categorical ballots in multi-seat races when winners are allocated by a proportional electoral formula.[84]

While there is no such thing as a best electoral system, there is also no such thing as a "neutral" one. Whether by conscious design or historical

* These are not the only rule choices that prompt strategic voting. For example, in some multiparty systems (with higher district magnitudes and a proportional formula), Matias Bargsted and Orit Kedar find that "when voters perceive their preferred party as unlikely to participate in the [governing] coalition, they often desert it and instead support the lesser of evils among those they perceive as viable coalition partners." *Coalition-Targeted Duvergerian Voting: How Expectations Affect Voter Choice under Proportional Representation*, American Journal of Political Science vol. 53, no. 2 (Apr. 2009) at 307.

† Similarly, research finds that as district magnitude increases, strategic voting decreases. With multiple potential winners in any given race, voters become less concerned with ensuring their vote is put to use (given that it is more likely that a voter will choose a winner). In single-winner races, voters strategize more about the utility of their vote. Simon Hix, Rafael Hortala-Vallve and Guillem Riambau-Armet, *The Effects of District Magnitude on Voting Behavior*, The Journal of Politics vol. 79, no. 1 (Jan. 2017) at 356–361.

happenstance, the design features of electoral systems structure outcomes and shape political behavior. Different design decisions can have meaningfully different implications for the nature of political competition, breadth of representation, strength of accountability, dynamics of campaigning, legislative behavior, and policymaking outcomes.[85] Thus, design debates ultimately reflect disagreements about a society's values and goals. As political scientist Pippa Norris observes, "underlying these arguments are contested visions about the fundamental principles of representative democracy."[86]

This report focuses on one such goal — abating the authoritarian threat — and so therefore more narrowly considers how the key design features of the U.S. electoral system perform against it.

The U.S. Electoral System

LIKE ALL POLITICAL INSTITUTIONS, electoral systems are mutable. They can be changed in pursuit of particular goals.[87] As political scientist Arend Lijphart notes, "if one wants to change the nature of a particular democracy, the electoral system is likely to be the most suitable and effective instrument for doing so."[88]

Political scientist Benjamin Reilly finds that under winner-take-all rules, "politics can quickly turn centrifugal, as the center is pulled apart by extremist forces... The failure of democracy is often the result."[89] Arend Lijphart observes a "strong scholarly consensus" that in circumstances of "significant ethnic or religious

> "Winner-take-all systems, such as those that predominate in the U.S., tend to exacerbate social cleavages.

There is no one-size-fits-all system, and no consensus among scholars on any optimal arrangement. However, given country-specific contingencies — ranging from the nature of social division and conflict to a country's political system — some electoral systems are likely to perform better on certain dimensions than others. For example, there *is* broad consensus among scholars that in "deeply divided societies," winner-take-all systems, such as those that predominate in the U.S., tend to exacerbate social cleavages.

divisions, the plurality model," a variant of winner-take-all, "is clearly *not* advisable."[90] Political sociologist Larry Diamond likewise argues that if any generalization about institutional design is sustainable, it is that winner-take-all electoral systems "are ill-advised for countries with deep... polarizing divisions."[91] For example, the winner-take-all system currently used for most U.S. elections was credited in Northern Ireland "for inflaming religious tensions by shutting out the Catholic minority. Protestants crowded out Catholics 'until all too many Catholics replaced their meaningless ballots with bullets.'"[92]

Electoral Choices for the U.S. House of Representatives

DISTRICT MAGNITUDE	**Single-member districts** One representative per congressional district
BALLOT STRUCTURE	**Categorical** Voters select one top-choice candidate.
ELECTORAL FORMULA	**Plurality** The candidate who gets the most votes wins.
ASSEMBLY SIZE	**762,000:1** Average constituent-to-representative ratio

Winner-take-all electoral systems tend to perform worse on a range of indicators related to polarization, extremism, and political violence compared to systems of proportional representation. Researchers in recent years have found that winner-take-all systems exhibit more severe affective polarization,[93] greater likelihood of ethnic-based political violence in highly polarized environments,[94] and lower levels of trust among electoral losers in their system of government.[95] In an assessment of the rise of political violence in the U.S., political scientist Rachel Kleinfeld concludes that "[t]he fissures in divided societies such as the United States can be either mitigated or enhanced by electoral systems. The U.S. electoral system comprises features that are correlated with greater violence globally. Winner-take-all elections are particularly prone to violence ...."[96]

By contrast, proportional systems tend to perform better at maintaining democratic government in societies with deep divisions.[97] (Indeed, it was no accident that the Good Friday Accords in Northern Ireland made a more proportional electoral system "a key component" of the peace agreement.[98]) In light of accelerating extremism and hyperpolarization, such findings have significant implications for assessing and reconsidering the basic features of the U.S. electoral system.

This section considers the core constituent parts of the U.S. electoral system and ways in which those features (1) disproportionately advantage far-right extremists driving the contemporary authoritarian movement, and (2) make the threat posed to democracy more difficult to combat. What follows predominantly focuses on the U.S. House of Representatives in order to make a brief assessment manageable; although some examples are used and implications are drawn for state legislatures, the Senate, and the presidency.

America's electoral system choices

U.S. House members are elected according to a straightforward set of rules (see Electoral Choices for the U.S. House of Representatives on page 19). These rules are statutory and ultimately at the discretion of Congress,[99] though with the exception of district magnitude[100] have been delegated to the states.

This configuration can be described as a single-member plurality system in which voters of any given district are represented by a single official and may express their preference at the ballot box for a single candidate who wins by securing the most votes. Single-member plurality is a type of winner-take-all electoral system. Winner-take-all systems are distinguished principally by their use of plurality or majority electoral formulas to allocate seats, in contrast to proportional methods.

The three basic choices of single-member plurality include:

Single-member districts: The first principal characteristic of the single-member plurality system is its prescription of one representative per territorial constituency (i.e., DM = 1). Single-member districts tend to generate nonproportional outcomes. Many groups of voters will not have an official for whom they voted representing them, despite sometimes commanding a significant share of the electorate.

Categorical ballots: Second, voters may express a single preference in a congressional contest. On a categorical ballot, a voter may select a single candidate but cannot make any additional choices, such as indicating a second-order preference. Categorical ballots are the most common ballot-types globally, including in both winner-take-all and proportional systems.

Plurality rule: Third, the winning candidate is the one who receives the most votes. The plurality rule specifies that a candidate must win more votes than rivals but does not need to pass some minimum threshold of votes, such securing an absolute majority. For instance, in a three-way race, two-thirds of voters may not support the winning candidate, but the one-third plus-one plurality will be decisive.

Decisions regarding assembly size do not determine electoral system type. Single-member plurality systems may feature a range of assembly sizes relative to population size. However, assembly size decisions nonetheless generate important effects, such as making electoral outcomes more or less proportional and influencing a country's effective number of political parties.[101] In 1929, Congress passed a law that capped the House at 435 members.[102] While the U.S. population has since then nearly tripled, the size of the House has remained the same. Its representative-to-constituent ratio is today a global outlier; only one other democracy — India — has a lower chamber as small as the U.S. compared to its national population.[103]

The U.S. is a minority among democracies in its use of a winner-take-all electoral system. Winner-take-all is also used in other Anglophone countries, including the United Kingdom, Canada, India, and various smaller former British colonies; and has been discarded by New Zealand and South Africa. Most democracies instead use some version of proportional representation.*

* Particularly since the 1990s, an increasing number of democracies have adopted "mixed" electoral systems, or those with a hybrid of features from both winner-take-all and proportional representation. As Matthew Shugart and Martin Wattenberg explain: "In the prototype mixed-member system, half the seats in a legislative chamber (the nominal tier) are elected in single-seat districts and the other half (the list tier) are elected from party lists allocated by proportional representation." *Mixed-Member Electoral Systems: The Best of Both Worlds?*, Oxford Scholarship Online (Nov. 2003) at 9. Features of winner-take-all systems can be found at work in democracies other than those listed here. For a summary of mixed-member electoral systems, *see also* Farrell, *Electoral Systems: A Comparative Introduction* at 93–118.

Winner-Take-All and Proportional Representation

Electoral systems can be classified into one of two broad categories.

Winner-Take-All

An electoral system in which seats are allocated to winners on a plurality or majority basis, such that a single party captures every seat available within a district.

SAMPLE VARIANTS

Plurality

Voters select a single candidate and the candidate with the most wins. Candidates do not need to to win a majority of votes, only more than the next closet rival.

Majority runoff

Voters select a single candidate. If no candidate wins a majority, a follow-up election is held among the top two leading candidates.

Ranked-choice

Voters rank candidates by preference. If none receives a majority, votes for the last-place candidate are reallocated based on voters' next choices until a candidate secures one.

Proportional Representation

An electoral system that allows seats in a multi-member district to be allocated in proportion to parties' vote shares.

SAMPLE VARIANTS

Open list

Voters choose a candidate from a slate put forward by a party. Parties are allocated seats in proportion to the total number of votes their candidates receive, and the candidates who receive the most votes are seated.

Closed list

Voters select a party rather than an individual candidate. Parties are allocated seats in proportion to the votes they receive, and candidates are seated in the order determined by the party itself.

Single transferable vote

Voters rank candidates regardless of their party, and the top-ranked candidates are elected. Through successive rounds of ballot counting, votes are reallocated to lower preferences as candidates are either elected or eliminated. This continues until the seats are filled.

Mixed-member

Voters make two choices: one for their single-member district and one for a set of statewide seats allocated proportionally.

Other features make the U.S. system even more squarely an outlier, such as its use of primary contests to nominate candidates.* No other country features something quite comparable. In most countries, political parties — private organizations — typically nominate their candidates through various internal rules. Parties then offer candidate lists to the public during elections. By contrast, modern American political parties are uniquely non-hierarchical in their selection of candidates, leaving nominations to the public through primaries.[104]

The century-long process by which the U.S. transformed its nomination system into an extreme outlier is not reviewed here. However, while rules governing primaries vary state-by-state, common ramifications are considered throughout in the analysis that follows.

In what ways might these rules and their interactions be relevant to aggravating or mitigating antidemocratic extremism? As examined below, the single-member plurality system in the U.S. together with congressional primaries have at least two major cumulative effects: (1) it is accelerating the authoritarian threat, and (2) it is making it harder to combat. These effects are summarized in Winner-Take-All and the Authoritarian Threat on page 24.

Accelerating extremism

What follows is a brief assessment of ways whereby certain electoral rules exacerbate antidemocratic extremism. The analysis below examines how they may do so through at least three pathways: by (1) generating electoral biases, (2) rewarding coherent factions, and (3) collecting limited information. Each exhibits ways whereby winner-take-all can structure outcomes and shape political behaviors to advantage extremism.

Electoral system design decisions do not by themselves generate more democratic or authoritarian politics, but they *structure the possibilities of certain outcomes* and *operate on behaviors* in ways that have ramifications for politics. Summarized here are six pathways by which winner-take-all in the U.S. may be both accelerating antidemocratic extremism and making it more difficult to contain and combat.

Generating electoral biases

A winner-take-all system by design "manufactures majorities."[105] The system originally developed in the United Kingdom with the justification of creating a strong party government, in part by "exaggerating" electoral wins. In post-war Britain, parliamentary governments enjoyed, on average, a roughly 10 percentage point "seat bonus," or more seats than their actual share of the vote.[106]

Winner-take-all can generate a sometimes striking exaggerative bias wherein electoral outcomes do not proportionally correspond to votes.[107] As political scientist Molly Reynolds observes in the U.S., "at the congressional level... questions about how the share of votes won compares to the share of seats secured are common in post-election analyses, as the U.S.'s use of ...single-member districts means that seats and votes do not perfectly correspond." In 2016, House Republicans secured a 5.6 percentage point "seat bonus," similar to their bonuses from prior elections: "a durable feature of U.S. congressional elections." Indeed, four years prior, Republicans took control of the House despite earning fewer votes than Democrats nationwide.[108]

Biases are made possible by single-member districts, which allow for an "inefficient" distribution of partisans.[109] For example, consider a district of

* The current U.S. primary system is also relatively new. While a product of the Progressive Era, primaries as they exist today largely reflect rule changes in the 1970s. Jonathan Rauch and Ray La Raja, *Too Much Democracy Is Bad for Democracy*, The Atlantic (Dec. 2019).

60 percent Republicans and 40 percent Democrats. In this stylized case, a Republican candidate secures 100 percent of the district with 60 percent of the vote: the outcome is distinctly nonproportional. Imagine this 60/40 split is the same for most of a state's congressional districts, while in *one* district — say, a populous urban center — Democrats dominate with 80 percent of the vote. With Democrats inefficiently "packed" into one district and Republicans distributed more "efficiently" across the rest, Republicans carry most of the congressional delegation. Had Democrats been spread out across more districts, with fewer "wasted" votes in the urban center, they may have carried more seats. Thus, seats can be a function of the spatial distribution of votes for a given party, not just the number of total votes for a party.

The example above, while stylized, is in fact commonplace across U.S. states. House delegations in Arkansas, Hawaii, Iowa, Massachusetts, North Dakota, Oklahoma, Rhode Island, South Dakota, and Utah, for example, are each dominated by a single party, despite at least a third of their electorates voting for the opposing party.

The importance of a party's relative concentration of voters increases as district magnitude decreases, with lower district magnitudes generating a greater aggregate electoral bias in results.[110] While smaller assembly sizes also inflate biased outcomes, district magnitude is typically the more consequential factor.[111] Other phenomena such as gerrymandering also contribute to electoral biases, but nonproportional outcomes are a typically predictable feature of winner-take-all systems regardless.[112] Indeed, the ability to gerrymander is made possible by low district magnitudes in the first place (see Gerrymandering and Single-Member Districts on page 45).[113]

As has been well documented at every level of government, the nonproportional effects of winner-take-all tend to advantage one party over the other.[114] For example, "even after the 'blue wave' election of 2018, Democrats failed to take control of several state legislatures and Congressional delegations despite winning comfortable majorities of votes."[115] This structural bias is also widely observed elsewhere under similar rules, as in the United Kingdom.[116] In some cases, the adoption of these rules has intentionally sought to amplify bias. For example, Hungary has increased the share of representatives elected to its national legislature through single-member districts, generating a consistently disproportionate seat bonus for Fidesz, the ruling party. Indeed, an important component of authoritarian consolidation in Hungary has involved changes to its electoral system such that it more closely mirrors winner-take-all elections in the U.S.[117] In 2011, Fidesz won 67 percent of seats with 45 percent of the vote.[118] In 2022, the party won 83 percent of seats with 54 percent of the vote.[119]

By generating biased outcomes, single-member districts structurally provide one party with a predictable advantage over the other. They also likely, then, influence the behavior of the advantaged party — freeing it from the need to appeal to broader majorities in order to secure control of national and state legislatures. As Laura Bronner and Nathaniel Rakich argue, this structural bias propels an "antidemocratic feedback loop" in which the party that requires fewer votes to secure electoral victories use "their institutional leg up to... entrench their advantage," such as through voting restrictions and election interference.[120]

Rewarding coherent factions

Just as electoral biases generated by single-member districts may disincentivize the advantaged party from appealing to a broader electorate, the plurality rule may likewise disincentivize individual candidates from appealing to a broader electorate and may further reward more extreme behavior.

Winner-Take-All and the Authoritarian Threat

How winner-take-all accelerates the authoritarian threat and makes it more difficult to combat.

Accelerating extremism

Generating electoral biases

Exaggerating electoral wins in one party's favor, such that its share of seats does not proportionally correspond to its share of votes.

Rewarding coherent factions

Advantaging more coherent and extreme political factions at the expense of less coherent majorities.

Collecting limited information

Inadequately revealing more complex voter preferences and precluding majority compromises.

Blunting counterforces

Weakening competition

Insulating extremists from competition by generating "safe" districts and inhibiting new competition (e.g., from a new center-right party).

Diluting minority voter power

Diminishing the ability of racial and ethnic minorities to secure representation in proportion to their votes.

Entrenching binary conflict

Intensifying animosity between partisans and purging pro-democracy voices within the Republican Party.

The prior example stylized a 60/40 split between Republicans and Democrats. But what about races with more than two contenders? In party primaries, more than two candidates often enter a race. Or, consider a general election race in which a Republican garners 45 percent, a Democrat 40 percent, and a third-party candidate 15 percent; in the single-member plurality system, the Republican wins. Embedded in the plurality rule is the possibility of a take-all win without a majority of the vote.

In practice, this can reward cohesive minority factions that coalesce around a single candidate. U.S. presidential primary elections provide a distinctive illustration. In Arkansas, where Donald Trump won the 2016 presidential primary, he received 32.8 percent of the vote. In South Carolina, Trump won its primary with 32.5 percent; in Georgia, with 38.8 percent; in Virginia, with 34.8 percent; in Vermont, with 32.3 percent; in Tennessee, with 38.9; and in Kentucky, with 35.9 percent. The remaining rivals in this multi-candidate race "split" the Republican primary vote. In a majority of Republican primary contests, a majority of Republican voters did not vote for Trump. (Indeed, in only 18 states did Trump secure a majority.)

Minority factions — in this case, Trump voters constituting a minority of the Republican electorate — carried Trump to the Republican nomination. These voters may have also been more ideologically cohesive than non-Trump voters,* and were markedly more extreme in both their social (e.g., "Blacks have too much influence") and ideological (e.g., "Immigration takes jobs") views.[121] Strong factional support for one candidate defeated broadly distributed support for others. Economists Amartya Sen and Eric Maskin model how a majority rule in place of the plurality rule may have resulted in a Trump primary loss.†

Plurality-enabled minority wins have also long been observed in congressional elections.‡ Between 1992 and 2019, 49 senators from 27 states were elected by a minority.[122] The pattern is even more pronounced in primary elections. In the six elections from 1994 through 2004, there were 247 such wins in House primaries and 35 in Senate primaries. In 2020 alone there were 79 such wins, or nearly one out of every five House races.[123] Given that the vast majority of primaries operate as *de facto* general elections and in which only small fractions of the electorate vote,§ plurality-enabled minority wins regularly propel candidates with thin bases of support to Congress.

Primary elections thus aggravate the trend of advantaging minority factions. They may also encourage extremism among candidates. Typically, less than a fifth of the general electorate participates in primaries. However, while these voters

* Sarlin, *United States of Trump*. However, assessing the ideological composition of voter-groups has clear limitations when used to predict support for authoritarianism. Other dimensions of public opinion may be more appropriate. For example, as Uscinski et. al. observe, "contemporary political ills at the mass behavior level (e.g., outgroup aggression, conspiracy theories)... are less the product of left-right orientations than an orthogonal 'anti-establishment' dimension of opinion dominated by conspiracy, populist, and Manichean orientations." In national surveys, the researchers find that "this dimension of opinion is correlated with several antisocial psychological traits, the acceptance of political violence, and time spent on extremist social media platforms. It is also related to support for populist candidates... and beliefs in misinformation and conspiracy theories. While many inherently view politics as a conflict between left and right, others see it as a battle between 'the people' and a corrupt establishment." Joseph E. Uscinski, Adam M. Enders, Michelle I. Seelig, Casey A. Klofstad, John R. Funchion, Caleb Everett, Stefan Wuchty, Kamal Premaratne and Manohar N. Murthi, *American Politics in Two Dimensions: Partisan and Ideological Identities versus Anti-Establishment Orientations*, American Journal of Political Science vol. 65, no. 4 (Oct. 2021) at 877.

† Eric Maskin and Amartya Sen describe how a majority rule in place of plurality would plausibly have led to Donald Trump's defeat in the 2016 Republican primaries. While "a majority of voters rejected [Trump]... he faced more than one opponent every time, so that the non-Trump vote was split." A majority requirement would obviate the consequences of vote-splitting, which allows a candidate without majority support to prevail. *How Majority Rule Might Have Stopped Donald Trump*, The New York Times (Apr. 28, 2016).

‡ *Plurality Wins and Runoff Elections in US Congressional Primary Elections: 1994–2004*, FairVote. Plurality-enabled minority wins are also common at other levels and branches of government: "Since the Civil War, more than one third of American presidents have been elected by only a plurality. And, in 2000, more than 20 percent of sitting governors were elected by a mere plurality, including several who did not even receive 40 percent of the vote." Alexandra Copper and Ruth Greenwood, *The Civic Benefits of Ranked Choice Voting*, Campaign Legal Center (Aug. 17, 2018).

§ In the 2020 elections, 10 percent of eligible voters cast ballots in primary elections that effectively decided the winners in 83 percent of congressional seats. *The Primary Problem*, Unite America.

tend to be more politically motivated,[124] research remains mixed as to whether these voters are in fact significantly more ideologically extreme.[125] Some research suggests that regardless, incumbents' *fear* of primary challengers incentivizes more extreme position-taking and rhetoric.[126, *] A majority of Republicans want the Republican Party to either become more moderate or stay the same, but 40 percent want the party to move further right.[127] Primary challengers, who tend to be more ideologically extreme,[128] are likely catering to the latter.[†] Incumbents are likely following suit.

The possible effects of primaries and candidate extremism are visible when contrasting the ideological composition of Congress with the general public. Members of Congress from both parties have become significantly more ideologically extreme than the public as a whole over time.[‡] The trends between the two populations — the general public and its representatives — "bear little resemblance to one other."[129] For at least the last 40 years, "most members of the public... have been represented by representatives that are quite dissimilar from them, even if they share the same party." While the causes are likely manifold, political actors are in part responding to unrepresentative factions, as well as proactively mobilizing those factions rather than appealing to broader cross-sections of the electorate.

The plurality rule permits certain outcomes not permitted by alternative electoral formulas, including winning an election with a minority of the vote. This rule may also, in turn, incentivize and reward certain behaviors — especially when combined with primaries — such as outbidding challengers and catering to narrower and potentially more extreme constituencies.

Collecting limited information

The single-member plurality system is characterized by its straightforward rules, including the tabulation of voters' single top-choice selection on ballots. Such simplicity underperforms at revealing more complex preferences and reflecting underlying consensus across a diverse electorate.

In particular, the categorical ballots and plurality rule used in single-member plurality systems may exclude meaningful information about an electorate's preferences, such as more muted support for extremist candidates than outcomes might suggest. Consider, for illustration, a stylized race with three candidates and 100 voters (see Categorical and Ordinal Balloting on page 28). Candidate A receives 42 votes, Candidate B 33 votes, and Candidate C the remaining 25. With a categorical ballot structure, in which voters may select a single choice, Candidate A wins with a plurality of the vote.[130]

Now consider a ballot that allows voters to express additional preferences, such as by listing their candidates in order of preference. Candidate A enjoys the support of a strong share of votes, albeit a minority: 42 of the 100 voters ranked Candidate A first, with their secondary support for Candidates B and C mixed. Meanwhile, supporters of both B and C universally rank A last.

* Campaign financing may be another important factor driving candidate extremism in primary elections given that primaries tend to attract donors with more extreme positions. Eric McGhee, Seth Masket, Boris Shor, Steven Rogers and Nolan McCarty, *A Primary Cause of Partisanship? Nomination Systems and Legislator Ideology*, American Journal of Political Science vol. 58, no. 2 (Apr. 2014) at 337–351.

† This is not an intrinsic feature of primaries but instead reflects the contemporary rules governing them. As Jonathan Rauch and Ray La Raja note, the pre-1970s primary system mitigated the extremist-minority risks of plurality voting, whereby "party leaders would move to a more broadly representative second-choice candidate if the plurality candidate was unacceptable to the larger coalition." Rauch and La Raja, *Too Much Democracy Is Bad for Democracy*.

‡ Whereas the public as a whole has not, in fact, become markedly more polarized in ideological terms ("the distribution of ideology in the United States has been stable since the early 1970s... 'moderate' remains the modal category"), the same cannot be said of Congress, where "the dispersion of policy views has gone in only one direction: up." Morris Fiorina, *Americans have not become more politically polarized*, The Washington Post (Jun. 23, 2014). Seth Hill and Chris Tausanovitch also corroborate this finding regarding the relative stability of the distribution of policy views among the public: using questions about domestic policy issues from 27 separate surveys over 60 years, they find that "the level of polarization shows no apparent trend over time." *A Disconnect in Representation? Comparison of Trends in Congressional and Public Polarization*, Journal of Politics vol. 77, no. 4 (2015) at 1058–1075.

In other words, Candidate A appears to be a polarizing candidate regarded as a last choice by the majority of voters. Ordinal ballots that permit voters to rank their preferences reveal this additional information. A majority electoral formula can in turn translate these preferences into potentially different outcomes: as Categorical and Ordinal Ballots on page 28 illustrates, Candidate A could plausibly lose given a lack of voters' second- and third-place preferences.*

While stylized, the example is illustrative. Consider the 2016 Republican primaries. Categorical ballots captured incomplete information from the Republican electorate, making irrelevant a deeper consensus — that most Republican primary voters did not prefer Trump to win — and sidelining other preferences, such as who most Republicans might prefer as a compromise alternative.[131] Similarly, in both 2010 and 2014, far-right candidate Paul LePage[132] won the race for Maine's governorship despite being widely regarded as a last choice for many, if not most, voters.[133]

In the 2014 election, 51.8 percent of Mainers who voted did *not* vote for LePage: 43.4 percent voted for Mike Michaud and 8.4 percent for Eliot Cutler, an independent.[134] Analysts credited Cutler, a "spoiler," for LePage's election.[135] In 2014, polling found that 71 percent of voters who had chosen Cutler in 2010 had a favorable view of Michaud, while 77 percent were unfavorable toward LePage.[136] In other words, in a head-to-head race between LePage and Michaud, LePage may well have lost.[137] In addition to rewarding an authoritarian-inclined candidate[138] with minority support, a plurality rule with categorical ballots ignored a majority consensus: that most voters would likely have preferred Michaud over LePage.† The majority was stuck with its last-choice option.

In an attempt to avoid such adverse outcomes, voter behavior adapts. In particular, voters engage in "strategic voting," or voting for someone other than their sincere choice. For instance, fearing that an independent or minor party candidate might "spoil" an election, as with the above, voters become wary of supporting a less popular candidate. Some Republican voters in Maine may have indeed preferred Cutler over LePage;‡ but reasonably, they opted not to vote for a potential spoiler, potentially exaggerating support for LePage. Research on strategic voting behaviors finds that voters sometime take a candidate's probability of winning into consideration and adjust their votes accordingly;[139] and that strategic voting is especially common with categorical ballots in plurality systems.[140] When voters engage in strategic voting, true preferences are, of course, not adequately revealed. Most Americans oppose most of the far-right's current authoritarian positions, including many self-identified Republicans.[141] That some voters select far-right candidates anyway may not, in fact, accurately reveal their true preferences.

Another significant feature of winner-take-all systems obscures actual voter preferences. In most U.S. elections, voters may only select between one of two viable options. As detailed

* While Candidate B only enjoys top-place support from a third of this electorate, nearly all of the 25 percent that preferred Candidate C would rather B win than A. Assuming a majority requirement, in a second round of tabulation, Candidate B would assume another 23 percent from Candidate C voters who preferred that B win instead of A. Here, Candidate B wins, representing a significantly greater cross-section of voters.

† While the use of ordinal ballots with a majority electoral formula (i.e., ranked-choice voting) may have changed this race's outcome, other rule changes may have similarly led to a different result. For example, a *majority run-off* between the top-two vote-getters may have also led to Michaud's victory over LePage without adjusting ballot structure. Different rule-changes may similarly structure outcome possibilities. To illustrate, a majority run-off was employed during the 2017 French presidential election when no candidate initially secured a majority, prompting a second round between the top-two vote-getters (Emmanuel Macron of En Marche!, who had won 24 percent in the first round, and Marine Le Pen of the National Front, who had won 21.3 percent). The second-round outcome — a landslide for Macron — revealed a strong majority consensus.

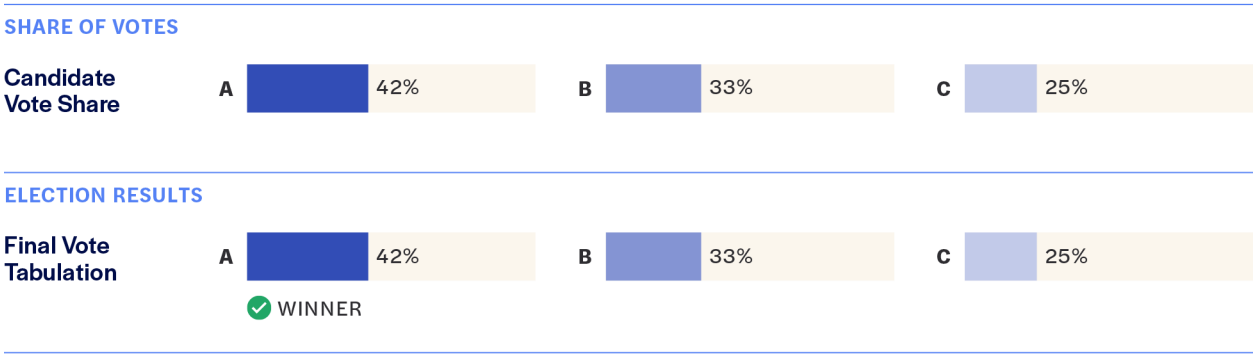
‡ Ideological classifications in Maine still meaningfully cross partisan lines, suggesting that notable Republican voter support for an independent candidate would be plausible. 65 percent of Mainers who identify as Republican also identify as conservative while the rest identify as moderate or liberal. *Political ideology among adults in Maine by political party*, Pew Research (2014).

Categorical and Ordinal Ballots

Different electoral rule choices can produce different outcomes, such as adopting ordinal ballots with a majority requirement in lieu of categorical ballots with a plurality requirement.

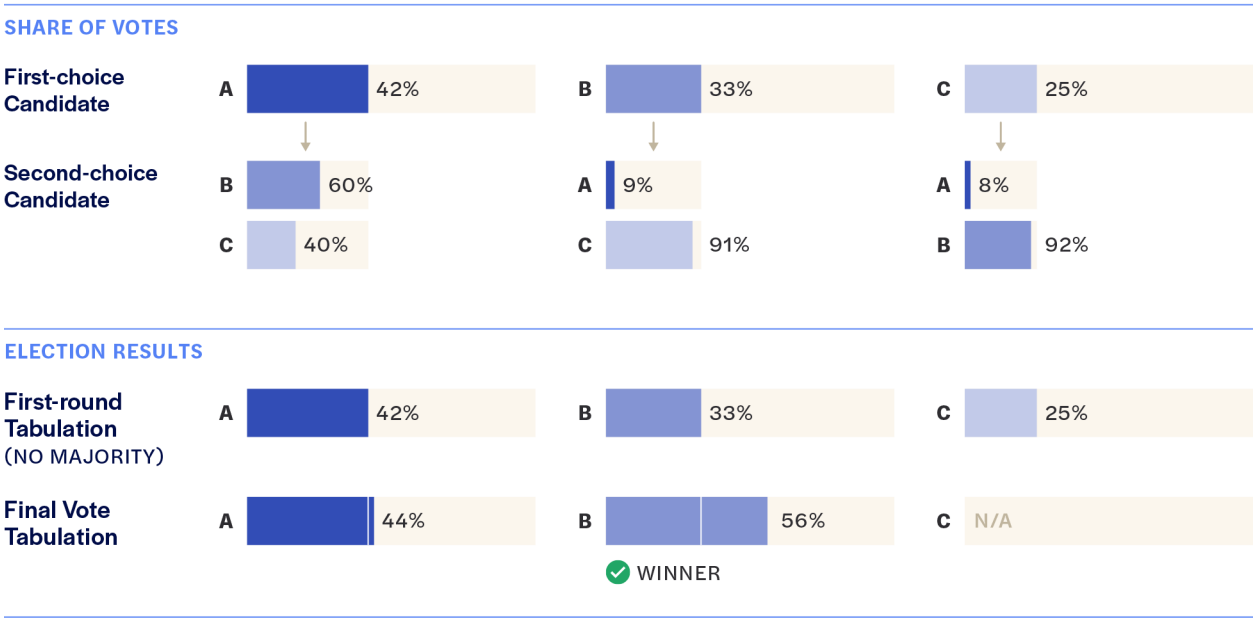
Categorical Balloting

Voters choose a single preferred candidate. No majority is required and the candidate receiving the most votes wins.



Ordinal Balloting

Voters rank candidates by preference. If no candidate receives a majority, votes for the last-place candidate are reallocated based on voters' second choice until a majority is reached.



below, winner-take-all systems tend to produce two-party systems; and among the world's two-party systems, the U.S. is arguably the world's strictest.[142] Shuffling voters into one of two groups likely obscures significant diversity and complexity in voter preferences. That is, the two-party system produced by winner-take-all constrains the choice-set offered to voters, with preferences that may not be well reflected by either of the only two viable options. This constraint may have significant implications for extremism: for instance, a Republican voter who may not support a Republican candidate's extremism may nonetheless vote for such a candidate absent other meaningful options beyond simply voting for the "other team."

Survey results consistently find that preferences across the American electorate remain multidimensional and overlapping.[143] Limiting the ability of voters to reveal a greater set of preferences at the ballot box may in turn be exaggerating th perceived support of more divisive and extreme options.

outcomes and shapes political behavior to disadvantage responses to antidemocratic extremism.

Weakening competition

America's far-right is increasingly insulated from political competition, allowing it to consolidate authoritarian gains without being effectively challenged.

First, the U.S. electoral system precludes new competition by design. Single-member districts are more likely to produce two-party systems, whereas multi-member districts (with a proportional allocation method) tend to produce multi-party systems by creating space for more political parties. Generally, for a given assembly size, as district magnitude increases, so too does the effective number of political parties.[144] That is, district magnitude is the principal lever that regulates the number of electorally viable parties.[145] Thus, an electoral system's constituent rules can blunt the ability of new parties to mount meaningful electoral challenges. For example, efforts to launch competitive alternatives to one of the two major parties that might compel Republican Party moderation in response, such as a new center-right party, are seriously disadvantaged by the U.S. electoral system.

> "The U.S. electoral system precludes new competition by design.

Blunting counterforces

Not only does the U.S. electoral system aggravate antidemocratic extremism, but it also erects obstacles for combating it. Efforts to marginalize extremism face a variety of barriers generated by the U.S. system. Three such obstacles include: (1) weakening competition, (2) diluting minority voter power, and (3) entrenching binary conflict. Each exhibits ways by which winner-take-all structures

Theoretically, two basic variables in a winner-take-all system interact to produce a two-party equilibrium. First, in single-member districts, "some

parties — almost always the largest ones — will be 'over-represented,' receiving a greater proportion of seats than votes... over-representation of large parties must create 'under-representation' of the smaller parties.'"[146] Voters perceive that smaller parties enjoy a lower likelihood of winning the single seat available, and in response avoid wasting their vote.[147] These two factors limit the development of non-major parties.[148] Even if a majority of voters would, in fact, prefer a third-party option (and they do[149]), two major parties are likely to continue to dominate. The barriers to entry for new competition in a winner-take-all system are largely a function of its component rules. In practice, winner-take-all systems elsewhere, including Canada and the United Kingdom, exhibit important exceptions, with minor parties securing some legislative seats.[150] However, lower district magnitudes still predictably correspond to fewer viable parties.[151]

In addition, major parties are incentivized to further entrench their competitive advantages and hedge against potential threats, including by manipulating electoral regulations such as ballot access laws to prevent new entrants. For instance, in 47 states, so-called "sore loser laws" prevent losers of a party's primary election from running in the general election, even if a candidate is no longer affiliated with the party.[152] This has helped to prevent entry of minor and independent candidates in general elections.* Other ballot access rules similarly penalize non-major party candidates.[153] In Arizona, Republican and Democratic candidates require 6,000 valid signatures to get on a ballot; independents require 37,000.[154]

Recently, New York increased from 50,000 to 130,000 the number of votes required for a minor party to keep its automatic ballot line.[155] Fusion voting, or the cross-nomination of a candidate by more than one party, is currently outlawed in all but a few states. Historically, this practice was used widely in U.S. elections, often providing minor parties with meaningful opportunities for collaboration and coalition-building.[156]

In the current U.S. system, efforts to compete against the far-right by launching alternatives are structurally inhibited. In the wake of the takeover of the Republican Party by a far-right faction, center-right politicians and voters enjoy few practical options to effectively form or join a new alternative — such as a new center-right party — to compete against it.

Second, what about competition from the existing major rival? Here, too, competitive pressure from the Democratic Party that might theoretically act as a moderating force is weak. To assess interparty competition, researchers have tracked the relative competitiveness of districts over time: between the two parties, the degree to which candidates must in fact compete for votes. Competitiveness for congressional races has weakened significantly over decades. In each of the four national elections between 1998 and 2004, more than 90 percent of all races were won by uncompetitive margins of more than 10 percent, with an average margin of 40 percent.[157] Margins have fluctuated somewhat since, though have remained comparably high. In 2022, more than four out of every five House races featured a margin of victory greater than 10 percent.[158] The number of "safe" seats nationally are expected to continue increasing.[159]

Uncompetitive districts are structurally a function of single-member districts. Districts with only one winner quickly become uncompetitive as a dominant voter-bloc emerges. However, "dominant" implies only a minor advantage beyond a narrow

* For example, when former Delaware Governor and congressman Mike Castle (a popular moderate Republican) ran to fill then-Vice President Joe Biden's seat in 2010, Castle lost in his primary to a Tea Party candidate, who would go on to lose in the general election. Had Castle been permitted to run in the general election as an independent, various polls predicted a decisive victory over his Democratic opponent, but he was legally barred from doing so. In the few states without sore-loser laws, such as Alaska and Connecticut, independent and write-in candidates — such as Senators Lisa Murkowski and Joe Lieberman — have prevailed after losing a party primary. Tom Jensen, *Coons Leads, First State Could Decide Senate Control*, Public Policy Polling (Sep. 15, 2010); *Lisa Murkowski*, Ballotpedia; *Joe Lieberman (Connecticut)*, Ballotpedia.

margin of victory. For instance, a district with a 51/49 Democratic/Republican split is considered competitive, while a 55/45 split is generally not.[160] Geographic sorting in the U.S., whereby voters of the same partisan identity are increasingly concentrated together, has intensified this endemic feature of winner-take-all elections.[161] As more "red" and "blue" voters separately cluster, districts become increasingly lopsided, favoring one party.

Primaries, again, likely aggravate these trends. As one-party rule at the district level increases, so too does primary competition.[162] Given that many lawmakers reasonably believe that adopting more extreme positions to outbid a primary challenger increases their likelihood of success,[163] extremism is likely to worsen as the share of safe districts increases.

Further, after one party secures a safe-enough margin, the opposing party may be incentivized to divest its resources from the district. Why compete for votes with little chance of winning the single seat available? After some wide-enough margin, "there's no point in investing in party building."[164] When one of only two parties withdraws, competition further weakens. Consider Representative Lauren Boebert (R-CO),[165] who in 2020 secured her primary win with roughly 10 percent of her district's voters.[166] Rep. Boebert moved to the general election, which she won by a 6.2 percentage point margin. This margin is generally not considered competitive (i.e., does not qualify as a swing district), and the district is therefore not "in play" for Democrats in 2022,[167] nor has it been for a decade.[168] Rep. Boebert's Democratic challenger is unlikely to receive much support from the Democratic Party.

As far-right extremists consolidate power over the Republican Party, they are also increasingly insulated from interparty competition. The absence of meaningful electoral competition suggests an absence of meaningful pressure that might incentivize the current Republican Party to moderate its far-right lurch.

> "Uncompetitive districts are structurally a function of single-member districts.

Finally, a competitive electoral arena also suggests the ability of parties to collaborate when it is in their interests, such as by forming strategic coalitions to mitigate extremist threats. In the spring of 2022, the joint nominee of a six-party opposition coalition challenged Victor Orbán, Hungary's far-right leader;[169] and in the Czech Republic's recent national elections, a diverse coalition of both left and center-right parties defeated the ruling populist party.[170] Elsewhere across Europe, far-right parties are being challenged or marginalized by various coalitions, often led by the center-right.[171] By definition, however, strict two-party systems — largely a function of electoral rules — preempt strategic coalition-building across multiple parties.

As Lee Drutman observes: "In two-party democracy, all seems fine until extremists take over a major party. Then the system destabilizes. A

two-party system with one antidemocratic party cannot survive long as a democracy."[172]

Diluting minority voting power

Authoritarianism in the U.S. is a threat to democratic institutions generally, but also to racial and ethnic minorities specifically. The nonproportional outcomes generated by winner-take-all elections in particular disadvantage these voters, impairing fair representation that might otherwise act as a bulwark against extremism — including the white supremacy fueling the current authoritarian movement. Various racial and ethnic minority voters struggle to electorally compete due to features specific to the electoral system.

As a Black congresswoman representing an Alabama congressional district recently exclaimed: "If we're a quarter of the population, we should be a quarter of the seats." And yet, in Alabama, "Black voters... effectively wield power in just one of its seven districts."[173] Across the U.S., minority votes often do not proportionally translate into seats.

Under a proportional system, these voters would be more likely to secure seats commensurate with their votes: in Oklahoma, roughly a *third* of the seats rather than *zero*. With single-member districts, the dominant voter-bloc can enjoy across-the-board victories. Of note,

> This problem can and does take on a racial character in places with racially polarized voting. In the Deep South, districts drawn pre-*Shelby County v. Holder*, entirely in states covered by Section 5 of the Voting Rights Act, still saw the dilution of African-American voting power. African-American voters comprise 29.9% of the vote in Louisiana, 24.7% of the vote in Alabama, and 26.3% of the vote in South Carolina, yet they have the power to elect only one member (out of six, seven, and seven seats, respectively) in each state's sole majority-minority district.[175]

In various states there are much lower shares of Black elected officials than there are shares of

> "The nonproportional outcomes generated by winner-take-all elections in particular disadvantage minority voters.

Consider, again, the nonproportional effects of winner-take-all. If "one were to select an Oklahoma voter at random, there is about a one-out-of-three chance that voter would prefer a Democratic House to a Republican one, yet such voters lack the power to elect a single Democrat in any of Oklahoma's five safe Republican seats."[174]

Black voters in the electorate. Of course, Black voters do not homogeneously vote for Black candidates. However, disparities in descriptive representation can nonetheless be in large part attributed to single-member districts, where Black voters fall under a majority threshold and in turn

functionally enjoy no pathway to elect candidates of their choice in most congressional districts.

The spatial concentration of votes in single-member districts takes on especially heightened importance with racial and ethnic minorities. For example, "social groups who can concentrate their support spatially, like African-American or Latino voters in urban areas, can prove relatively more effective in getting their representatives into the US Congress than groups which are widely dispersed across legislative districts."[176] The latter predominantly describes Black populations in the South, which are "less concentrated in cities and less segregated in rural areas," and thus increasingly unable to elect candidates of their choice despite their often significant share of the population.[177] This issue has intensified over time nationally: as racial and ethnic populations become less geographically concentrated than in the past, their voting power in turn has become subsequently diluted.[178]

Consider that Georgia's 14th congressional district, represented by Majorie Taylor-Green (R), is a quarter non-white;[179] Mississippi's 1st congressional district, represented by Trent Kelly (R), is a third non-white;[180] and Alabama's second congressional district, represented by Barry Moore (R), is 40 percent non-white.[181] While not a monolithic voting bloc,[182] non-white populations in the South overwhelmingly favor Democratic candidates.[183] And yet in these various cases where non-white populations do not constitute a majority, they enjoy no pathway to elect a single candidate of their choosing due to their "inefficient" spatial concentration across single-member districts.

To partially correct for nonproportional results, lawmakers and the courts have sought remedies like the drawing of majority-minority single-member districts to improve representation.[184] The boundaries of these districts are drawn to deliberately ensure a racial or ethnic majority. For instance, of South Carolina's seven congressional districts, one has been drawn as a majority-minority district, enabling the election of one Black representative to the U.S. House from that state's delegation. Yet while one in seven representatives from South Carolina is Black, one in four South Carolinians is Black. Outcomes remain severely nonproportional for the state's Black population.

The benefits and drawbacks of designing majority-minority districts have been widely debated. Importantly, it has helped to guarantee some racial and ethnic minority representation in states where such populations do not constitute a majority.[185] However, as the South Carolina example illustrates, they appear limited in their ability to in fact bring representative outcomes in line with minority vote-shares; they do not, fundamentally, alter the nature of winner-take-all elections that largely preclude proportional results.* They also feature trade-offs. For example, by grouping minorities together who vote overwhelmingly for one party in a single district, the other party enjoys a new outsized advantage in the surrounding districts. As legal scholar Grant Hayden observes,

> When a majority-minority district is created, the additional minority voters must be taken from somewhere, and that somewhere is the surrounding districts. This changes the racial composition not only of the new majority-minority district, but also of the districts that surround it. The newly created majority-minority district becomes, for example, more heavily black, while the surrounding districts become more heavily white. Because

* As Lani Guinier observes, majority-minority districts "retain winner-take-all elections" at the expense of considering other electoral systems that "would assure fair minority representation," including "proportional or semi-proportional representation." The consequence has been "to waste votes, to encourage gerrymandering, and to achieve less than full proportionality." Lani Guinier, *No Two Seats: The Elusive Quest for Political Equality*, Virginia Law Review vol. 77, no. 8 (Nov. 1991) at 1427.

> minority voters tend to vote Democrat, the loss of minority voters in the surrounding districts is more likely to result in the election of Republicans in those districts — unless, of course, the minority voters are replaced by white Democrats. Thus, while majority-minority districts reliably increase the number of minority officeholders, they may do so at the cost of electing candidates in surrounding districts with agendas that are at odds with minority interests.[186]

Relatedly, majority-minority districts also tend to "waste" substantial shares of minority votes by packing minorities into a single district. For example, in Mississippi's 2nd congressional district, a majority-minority district, Rep. Bennie Thompson won the 2018 election with 71.8 percent of the vote and the 2020 election with 66 percent.[187] This overwhelmingly blue district "packed" with Democratic voters is simultaneously "inefficient": if some share of votes beyond what Rep. Thompson required to win were redistributed to neighboring districts, more Democratic (and likely Black) candidates might be electorally viable — resulting in a congressional delegation that more closely represents the state's actual distribution of voters.* Although Mississippi has the highest percentage of Black people in the country at nearly 40 percent, most of whom vote for Democratic candidates, only one of its four House representatives is Black (and a Democrat).[188]

Current remedies to the nonproportional effects of winner-take-all elections like majority-minority or influence districts[189] also likely hamper the formation of multiracial voter coalitions that could serve as a bulwark against antidemocratic extremism. Legal scholar Lani Guinier argued that these districting schemes "carve up politically viable communities of interest."[190] "[I]n order to create majority-black districts, racially homogeneous white districts are also created on the assumption that white voters are a racially undifferentiated mass. The result often is that moderate white voters are submerged in the resulting majority-white district, separate from blacks who would form coalitions with them but for [single-member districting]. Thus, districting limits options of white, as well as black, voters."[191] That is, the segregating of Black and white voters into distinct districts may also limit the potential of voter coalitions that span racial divides.

Electoral systems in which minority voters are systematically underrepresented — in which their share of votes far from correspond to their share of seats — may certainly be undesirable in their own right. But in the context of the current authoritarian threat, nonproportionality is additionally concerning in light of the advantage it provides to those whose political project includes the marginalization of minorities. Given the inextricable link between the current authoritarian movement and white supremacy, the dilution of minority voting power may carry especially pronounced implications for multiracial democracy in the U.S.

Entrenching binary conflict

Not all winner-take-all systems feature "a good-versus-evil kind of feud"[192] between two camps — one in which "any and every issue can be channeled

* Aside from its limitations with respect to increasing minority representation to more closely align with minority populations' vote share, the drawing of majority-minority districts has been subject to additional criticisms regarding its practicality. For example, the increasing dispersion of minority populations across the U.S. makes map-drawing to create majority-minority districts increasingly difficult in the first place. As Andrew Spencer, Christopher Hughes, and Rob Richie explain: "Racial and ethnic populations are less geographically segregated into ethnic neighborhoods than in the past, as exurbs and mid-sized cities become more diverse... Asian-Pacific American populations in particular are less likely to neatly sort into residential patterns, and are more likely to reflect diverse ethnicities... And in the American South, the African-American population is less concentrated in cities and less segregated in rural areas." *Escaping the Thicket: The Ranked Choice Voting Solution to America's Districting Crisis* at 405. Additionally, other researchers observe that ensuring enhanced representation through map-drawing is itself an uncertain exercise due to other variables such as voter turn-out: "Performance projections for single-member districts collapse under low relative turnout... Districts near 50% will often prove ineffective if the minority group has low relative turnout, and requiring elevated population share diminishes the possible number of performing districts." Gerdus Benade, Ruth Buck, Moon Duchin, Dara Gold and Thomas Weighill, *Ranked Choice Voting and Minority Representation* (Feb. 2, 2021) at 26.

into an us-versus-them conflict between warring factions."[193] But by structuring political conflict as binary, the U.S. electoral system is further deepening existing divides and impairing attempts at de-escalation. Specifically, binary conflict may be exacerbating animosity between partisans, as well as exiling voices within the Republican Party who might otherwise temper extremism.

First, inter-group animosity has increased markedly in the U.S. In recent research, Noam Gidron, James Adams, and Will Horne find that "Americans' dislike of partisan opponents has increased more rapidly since the mid-1990s than in most other Western publics,"[194] and that animosity is intensified in countries, including the U.S., which use winner-take-all.[195] Winner-take-all systems, and "notably the single-member district, are associated with partisans' more negative feelings toward opposing parties," while "proportional systems are associated with positive partisan affect."[196] Lee Drutman observes that

> [t]his pattern may have something to do with the shifting politics of coalition formation in proportional democracies, where few political enemies are ever permanent... This also echoes something social psychologists have found in running experiments on group behavior: Breaking people into three groups instead of two leads to less animosity. Something, in other words, appears to be unique about the binary condition, or in this case, the two-party system, that triggers the kind of good-vs-evil, dark-vs-light, us-against-them thinking that is particularly pronounced in the U.S. Ultimately, the more binary the party system, the stronger the out-party hatred.[197,*]

> "Given the inextricable link between the current authoritarian movement and white supremacy, the dilution of minority voting power may carry especially pronounced implications for multiracial democracy in the U.S.

That an electoral system is proportional does not itself temper polarization. Instead, proportional systems tend to generate multiparty politics, which in turn correspond to lower levels of issue-based and identity-based polarization.[198] Partisans in multiparty environments generate "substantially warmer inter-party affective evaluations" likely due to the coalitions they form in such

* The degree of affective polarization in the U.S. is markedly more severe than in other democracies that also use a winner-take-all system, such as Canada. Shanto Iyengar, Yphtach Lelkes, Matthew Levendusky, Neil Malhotra and Sean J. Westwood, *The Origins and Consequences of Affective Polarization in the United States*, Annual Review of Political Science vol. 22 (May 2019) at 129–146. Lee Drutman suggests that other differences also matter: "Canadian politics scholars would point out that in Canada, regional identities are often stronger than national partisan identities, and this regionalism has kept Canadian politics more moderate." Structural risks of winner-take-all may be mitigated by other important variables. *Why The Two-Party System Is Effing Up U.S. Democracy*.

contexts. Even after coalitions of parties dissolve, "warm affective evaluations linger." That is, over time, by working together more, partisans learn to like each other more.[199]

By contrast, in two-party systems, partisans are shuffled into two competing camps with far fewer opportunities to work collaboratively. Of note, partisans do not necessarily approve of their own parties; in fact, in winner-take-all systems, partisans tend to dislike their own parties more so than under proportional systems. Dislike of the other side is simply stronger.[200] One consequence is that defeating the opposition may take clear priority over addressing extremism within one's group. During the 2020 election, even self-identified moderates within the Republican Party coalesced around the extreme option of their party, as the alternative was less acceptable: to join the opposing team.* This is broadly consistent with research on the deepening of negative partisanship in the U.S., or "partisan behavior driven not by positive feelings toward the party you support but negative feelings toward the party you oppose," justifying more extreme behavior in order to prevent the other side from winning.[201] According to polling data, large segments of the Republican electorate "warmed to Trump gradually." In March 2015, 74 percent said they "could not imagine supporting Trump." A year later, only 38 percent agreed.[202]

Second, efforts to de-escalate extremism by members *within* a political party are increasingly ineffectual. As researchers from Over Zero and New America explain, "In-group moderates" (though they need not be politically centrist) are often targeted as conflict escalates. Experience shows that other group members tend to turn against them, label them as traitors, and attempt to silence them. Others who might have influence but have yet to speak out are then more likely to remain silent after seeing the costs of engagement. Once such leaders within each group become quiet, extreme positions become — or are perceived as — the norm, los[ing] a key resource for de-escalati[on].[203]

The psychology of two-camp conflict presumes that those who are not with "us" are with "them," justifying efforts to purge in-group moderates.[204] In-group voices are often especially well-positioned to counteract extremism and reinforce democratic norms, but are also especially vulnerable. Indeed, various pro-democracy conservatives in elected office who have spoken out against antidemocratic extremism are increasingly confronted with swift consequences.[205] Recent attempts to strip conservative officials, such as U.S. Representative Liz Cheney, of Republican Party membership illustrate an escalation of in-group policing and retribution.[206]

Binary conflict may generally advantage authoritarian populists who frame political disputes in stark us-versus-them terms.† It is also specifically creating barriers to de-escalation. As erstwhile moderates are pulled away from the center, and as remaining in-group moderates are marginalized, efforts to confront extremism and preserve shared democratic norms may become increasingly less effective.

The U.S. electoral system is not responsible for America's slide toward authoritarianism. But its specific design choices are escalating the threat and impairing efforts to counteract it. While the

* Partisan identity is especially "sticky" in the U.S., although not immutable. *Partisan Identification Is 'Sticky,' but About 10% Switched Parties Over the Past Year*, Pew Research (May 17, 2017); Robert Griffin, *Party Hoppers: Understanding Voters Who Switched Partisan Affiliation*, Democracy Fund Voter Study Group (Dec. 2017).

† Cas Mudde and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction*, Oxford University Press (Feb. 2017). Mudde and Rovira Kaltwasser define populism generally as a "thin-centered ideology that considers society to be ultimately separated into two homogenous and antagonistic camps, 'the pure people' versus 'the corrupt elite,' and which argues that politics should be an expression of the *volonté générale* (general will) of the people."

use of winner-take-all is generally disfavored by scholars — indeed, it is regularly ranked among the least favored type of system across a wide variety of criteria, such as legislative functionality, electoral accountability, minority representation, and voter engagement, among others[207] — its use in the current American context is especially concerning given its poor implications for democratic resilience.

Yet its continuing use is not a given. Electoral systems are elective institutional arrangements: a set of choices that can be reconsidered and reformed.

Possibilities for Reform

AS ANTIDEMOCRATIC EXTREMISTS CONTINUE to secure political power incommensurate with their support, elections will become increasingly prone to abuse in order to consolidate authoritarian gains. Indeed, far-right officials are already manipulating electoral regulations while in power and attempting to delegitimize elections they lose — including through violence.[208]

> “Absent basic changes to the machinery of the system, the behaviors of the system’s actors are unlikely to meaningfully change.

Examining Hungary, the Philippines, Turkey, Venezuela, and other competitive authoritarian regimes, political scientists Steven Levitsky and Lucan Way observe that “there existed reasonably independent judiciaries and the rule of law was more or less established. Economies were more developed, and there were robust private sectors, vibrant civil societies, and strong opposition parties.” Still, autocrats could “tilt the electoral playing field” once in office and “weaken opponents and lock in… power” through legal means.[209]

Absent basic changes to the machinery of the system, the behaviors of the system’s actors are unlikely to meaningfully change. Antidemocratic extremism is likely to continue accelerating, efforts to combat it will face an increasingly uphill battle, and extremists will lock in their gains. In what ways, then, might the U.S. begin to structurally halt, and reverse, its slide toward authoritarianism?

Electoral systems are neither neutral nor immutable. They are a set of policy choices; and in the U.S., many of those choices are constitutionally delegated to state and federal lawmakers.*

Efforts to redesign electoral systems are already on display across the U.S. As of June 2021, at least 261 jurisdictions featured an alternative electoral system to single-member plurality, with a fifth of those having adopted an alternative since 2016.[210]

* This is not to suggest that all current design choices set by federal and state law would survive constitutional scrutiny. *See* Lee Drutman, Tabatha Abu El-Haj, and Beau Tremitiere, *Reviving the American Tradition of Fusion Voting*, ABA Task Force for American Democracy (May 2024).

This is consistent with America's rich history of electoral system reform. Federal, state, and local jurisdictions have experimented with a wide variety of district magnitudes, ballot structures, electoral formulas, and assembly sizes, among other features. Multi-member districts have been common for state legislatures; primaries have taken on wholesale new forms since their Progressive Era birth; the size of the U.S. House gradually expanded until capped in 1929; and states have long experimented with both plurality and majority rules for congressional elections, and proportional rules for presidential delegates and electors. In fact, for early congressional elections, various states featured a majority requirement, requiring repeated elections until a winner secured at least 50 percent of the vote.[211]

The ebbs and flows of reform have also revealed deeper political debates and social conflicts. In the post-war period, two dozen cities adopted the use of ranked-choice voting in multi-member districts — termed the Single Transferable Vote system, a variant of proportional representation — led by "good government" groups and in response to party machines.* Pennsylvania's "limited voting" system, in which voters may cast two votes for three seats, has ensured that minority parties are rarely locked out of power — designed in 1871 to break the chokehold of single-party rule.[212] In 1870, a new state constitution introduced "cumulative voting" — a semi-proportional system of representation — for the Illinois state house. Delegates adopted the system with the aim of depolarizing the state in the wake of the Civil War, given that more proportional systems tend to better represent minorities: in this case, providing better representation for Democrats in the state's north and Republicans in the south.[213] Electoral systems have changed here, as elsewhere, in response to socio-political pressures.

A taxonomy of reform options and an assessment of their evidenced or possible effects are beyond the scope of this report. But certain reforms — including adjustments to the basic machinery of the electoral system, including changes to district magnitude, ballot structure, electoral formula, and assembly size — illustrate how electoral system changes can help to mitigate antidemocratic extremism. What follows is a brief illustration of example changes to each core component, including fusion voting (*ballot structure*), proportional multi-member districts (*electoral formula* and *district magnitude*), and House expansion (*assembly size*), along with a synopsis of reforms to congressional primaries.

Fusion voting

Two U.S. states currently use fusion voting for congressional elections, a type of categorical ballot that permits two or more parties to nominate the same candidate.† All such nominations appear on the general election ballot, and supporters register their vote on the party line that most aligns with their views and priorities. A candidate's vote total is the overall sum of the votes they received, while each party's sub-total sheds light on the composition of that candidate's support. Fusion occurs most often when a major party and minor party with some ideological common ground agree to "fuse" together to "cross-nominate" the same person — instead of nominating different candidates to compete against each other in the general election.[214]

* For a fuller explanation, *see* Nicolaus Tideman, *The Single Transferable Vote*, Journal of Economic Perspectives vol. 9 no. 1 (1995) at 27–38; Michael Gallagher, *Comparing Proportional Representation Electoral Systems: Quotas, Thresholds, Paradoxes and Majorities*, British Journal of Political Science vol. 22, no. 4 (Oct. 1992) at 480–82.

† Two additional states, Oregon and Vermont, allow more than one party to nominate the same candidate on the ballot, but the nominations are listed jointly, such that voters cannot mark on their ballot the party for which they are seeking to register their vote. This approach is known as "dual labeling," and sometimes is referred to as "aggregated fusion." *See* Joel Rogers and Maresa Strano, *More Than Semantics: Distinguishing Dual Labeling from Traditional Fusion Voting*, Ballot Access News (Sept. 16, 2023).

Throughout the 19th century, when fusion voting was the norm, political candidates across the country routinely earned multiple nominations, and minor parties strategically used cross-nominations to elect like-minded candidates, elevate neglected issues into the political mainstream, and build cross-ideological alliances to advance their goals. This dynamic was particularly pronounced during the 1840s and 1850s, when anti-slavery parties like the Liberty Party, Free Soil Party, and Anti-Nebraska Party selectively nominated (and helped elect) Whigs and Democrats who shared their opposition to slavery — while the Democratic Party itself supported slavery, and the Whigs opposed its expansion but mostly acquiesced to its perpetuation in the South.[215] After years of steadily accruing political power across the North, anti-slavery leaders unified under the Republican Party. Several years later, Abraham Lincoln was elected president.

Fusion was prominent again at the turn of the century, when the Populist Party gave voice to growing working-class discontent with economic policy and the acquiescence of both major parties to the concentrated power of industrialists. Populists fused with Democrats in the North and West, and with Republicans in the South — strategic partnerships that produced competitive, diverse coalitions that disrupted the regional dominance of the opposing major party and advanced key Populist priorities. Yet, this electoral success produced a legislative backlash: the dominant parties, Democrats in the South and Republicans in the North and West, adopted anti-fusion laws to outlaw this long-standing practice and prevent a unified opposition in future elections.[216] (Since their adoption, these laws have been on dubious constitutional footing.[217])

> “By fostering electoral collaboration across the diverse factions spanning the left, center, and center-right who oppose antidemocratic extremism, fusion could render the far-right less competitive at the ballot box.

Connecticut and New York are among the few states without anti-fusion restrictions, and cross-nominations have played a meaningful role in their federal, state, and local elections through the present day. Franklin D. Roosevelt, John F. Kennedy, and Ronald Reagan each won New York’s electors by fusing with minor parties, whose vote totals exceeded the margin of victory. In 1960, Kennedy would have lost the state and presidency to Nixon without the 6 percent vote share he received on the minor party ballot line.[218] In the absence of fusion voting, those minor party voters would have faced a choice between staying home,

potentially throwing the presidency to Nixon, or "holding their nose" and voting for a party they did not support; fusion voting freed them from that bind.

In July 2024, more than 120 leading democracy scholars released a public letter recommending the expanded use of fusion voting, given its potential to bolster a diverse, pro-democracy electoral majority and undermine antidemocratic extremism.[219] History suggests that, when fusion is permitted, minor parties tend to coalesce around and cross-nominate candidates on behalf of the portions of the electorate who are underrepresented by the two dominant parties, enhancing the representation and political power of such voters. Today, moderates on both sides of the aisle fit this mold, especially those whose views on social and economic policy are to the right of the Democratic platform, but whose commitment to the rule of law and liberal democracy put them at odds with contemporary Republican orthodoxy.[220]

By cross-nominating one of the two competitive, major party candidates in a race (as opposed to nominating a third candidate), a minor party reduces the incentive for like-minded voters to engage in strategic voting: they can convey their support for the minor party's platform without having to vote for a candidate they expect to be uncompetitive. An election can provide more information about the electorate's preferences when a vote for a minor party is no longer viewed by many potential supporters as futile or counter-productive. When two or more parties align behind the same candidate, the election results can more clearly illustrate the breadth and relative strength of support for that candidate across different ideologies — while also highlighting areas of consensus, such as a rejection of antidemocratic extremism, among groups who disagree on other issues.

Fusion can likewise make it easier for a broad and diverse electoral coalition to successfully unify its support behind a single candidate. When there are two or more anti-extremist candidates on the ballot, a majority of the electorate opposed to extremism may nonetheless split their vote and allow an extremist opponent to win office with a plurality. Instead, a single candidate with cross-nominations from two or more parties can prevent this fracturing, translating majority anti-extremist sentiment in the electorate into electoral defeat of extremism. The minor party cross-nomination can also expand a candidate's overall appeal and potential vote share by freeing persuadable voters of the need to support that candidate's major party and giving them the opportunity to instead convey their support for the alternative platform.[221] By fostering electoral collaboration across the diverse factions spanning the left, center, and center-right who oppose antidemocratic extremism, fusion could render the far-right less competitive at the ballot box.

Opening the aperture for minor parties to play a more meaningful and additive role in electoral politics could also soften the rigidly binary nature of U.S. politics. Permitting cross-nominations does not guarantee the development or growth of minor parties — but it would lower one of the key barriers preventing the emergence of a serious third or fourth party. A new node (or nodes) of power in the U.S. political system could add healthy dimensionality to political conflict, lessening the tribal tendency of the same political actors to divide into the same opposing camps issue to issue. This effect could be pronounced with a minor party anchored in the political center, given its ability to join in coalition with like-minded partisans on either side and to institutionalize political power for moderates marginalized under the status quo.

A CLOSER LOOK

Ranked-Choice Voting

Various U.S. jurisdictions now employ ranked-choice voting (RCV), also termed "preferential voting" outside of the U.S.* Under RCV, voters rank their candidate preferences on an ordinal ballot in lieu of a categorical ballot — a change to ballot structure. To win, a candidate requires a majority of ballots rather than a plurality — a change to electoral formula. If no candidate secures 50 percent after top choices are tabulated, the candidate with the fewest votes is eliminated and her voters' second-choice preferences are redistributed. This process continues until one candidate crosses the majority threshold.† (In single-winner races, RCV therefore relies on a majority electoral formula; in multi-winner races, a specific proportional formula is required.‡)

RCV aims to address the possibility of plurality wins in U.S. elections. Because RCV "privileges majorities over pluralities"[222] — advantaging candidates that can garner a majority of voters rather than just a plurality — proponents argue that it may create "electoral incentives for campaigning politicians to reach out to and attract votes from... groups other than their own."[223] Particularly because candidates may require voters to list them as lower-order preferences, they may become reciprocally dependent on voters beyond their most partisan constituencies.[224] Other claims made by advocates include that RCV increases the likelihood that more non-major party candidates, racial minorities, and political moderates run for office and win; incentivizes candidates to conduct more positive campaigns; and reduces polarization; among other effects.

One meta-analysis conducted in 2021 by Lee Drutman and Maresa Strano found that "many promised benefits of RCV appear to be more modest than many had initially hoped."[225] They conclude that "given the broader structural forces at play in our deteriorating national politics, stronger medicine may be needed."[226] Nonetheless, their meta-analysis also finds that "RCV seems to work well in primaries, the elections where vote-splitting is most likely to be a problem and where extreme candidates are most likely to win with a small plurality."[227] With ordinal ballots, voters can signify acceptable alternatives in the event their first-choice candidate loses — and in turn express who they do *not* find acceptable (*i.e.*, a last choice). In the 2016 Republican primaries, a majority of voters in a majority of primaries did not prefer Trump. Categorical ballots provided no opportunity to express as much. Instead, other candidates "split" the non-Trump vote. While these voters differed on their first-choice preferences — say, some preferring Marco Rubio over Jeb Bush — many may have settled for a compromise candidate — say, John Kasich.[228] Using only a plurality of voters' top-choice preferences to determine winners precluded this underlying consensus.

* RCV has been adopted for various federal, state, and municipal elections, including for statewide and presidential elections in Maine and Alaska; for presidential primaries in Nevada, Wyoming, and Kansas; for party elections in Texas and Virginia; and for military and overseas voting in Louisiana, Arkansas, Mississippi, Alabama, Illinois and South Carolina, in addition to dozens of municipal elections in 13 other states. For a comprehensive list of jurisdictions using RCV, *see Ranked Choice Voting Information*, FairVote.

† Ranked-choice voting has taken a range of forms in the U.S. Jack Santucci, *Variants of Ranked-Choice Voting from a Strategic Perspective*, Politics and Governance vol. 9, no. 2 (Jun. 2021) at 344–353.

‡ In multi-member districts where voters are selecting candidates through preferential voting, the "Droop quota" electoral formula is used to allocate seats while ensuring the correct number of candidates get elected for each constituency. For more details on this allocation method, *see* Farrell, *Electoral Systems: A Comparative Introduction* at 127 ("Ordinarily, to be elected, a candidate must have at least as many votes as set by the quota. The quota is calculated as follows: (Total valid votes/ (number of seats +1) + 1).").

Proportional multi-member districts

Given the breadth of issues implicated by the use of single-member districts as reviewed above — from generating electoral biases and permitting gerrymandering, to weakening competition and diluting minority voting power — a change to district magnitude could carry especially profound implications in the U.S. Unlike single-member districts, multi-member districts are used to produce more proportional results — that is, to more proportionally translate *votes* into *seats*.* To do so, winners in a multi-seat contest must be allocated using a proportional electoral formula in lieu of plurality or majority.† The use of proportional multi-member districts produces a different class of electoral system: proportional representation. Despite a rich variety of models, all systems of proportional representation rely on multi-member districts that allocate seats in rough proportion to votes. It is the most common electoral system among democracies today.‡

Among the most direct implications of proportional multi-member districts is a weakening of the current "seat bonus" that favors one party over the other. By better bringing seats in line with votes, more proportional allocations would lessen the institutionalized bias in legislative elections that exaggerates one party's electoral wins. District magnitude is the principal electoral lever to eliminate biased outcomes: assuming the use of a proportional electoral formula, as the number of representatives per district increases, so too does proportionality in outcomes. Consider that under current winner-take-all rules, the delegation to the U.S. House from Massachusetts features zero Republicans (out of nine), despite Republicans constituting a third of the state electorate; and the Oklahoma House delegation features zero Democrats (out of five), despite Democrats constituting a third of the state electorate. The use of proportional multi-member districts would instead generally ensure that a third of the vote translates into a third of the seats.

Greater proportionality in results would also help to remedy the dilution of minority voting power endemic to winner-take-all elections, and in turn lessen or obviate the need for the design of majority-minority districts and judicial enforcement.[229] As with the illustration above, under current winner-take-all rules, Black voters

* While rare today in the U.S., multi-member districts have historically been a regular feature at both the federal and state levels. Maurice Klain, *A New Look at the Constituencies: The Need for a Recount and a Reappraisal*, American Political Science Review vol. 49, no. 4 (Dec. 1955) at 1105–1119. The first congressional elections were conducted with multi-member districts in most states (then termed "plural districts") and remained common for electing House members prior to the Apportionment Act of 1842. Rosemarie Zagarri, *The Politics of Size: Representation in the United States, 1776–1850*, Cornell University Press (Jan. 22, 1988); Ruth C. Silva, *Compared Values of the Single- and the Multi-Member Legislative District*, Political Research Quarterly vol. 17, no. 3 (Sep. 1, 1964) at 504–516. In the 13th Congress, for instance, Pennsylvania, Maryland, New York, and New Jersey all featured plural districts. Kenneth C. Martis, Clifford L. Lord and Ruth Anderson Rowles, *The historical atlas of United States Congressional districts*, 1789–1983, Free Press (1982). All thirteen state legislatures used multi-member districts before and after the Revolution, which remained a common structure for state legislative districts for at least 175 years. In 1955, only nine states elected all their representatives through single-member districts. And as recently as 1984, one-fourth of all lower chambers and one in twelve upper chambers were selected from districts of two or more members. Niemi, Hill and Grofman, *The Impact of Multimember Districts on Party Representation in U.S. State Legislatures*. However, these multi-member districts were not used to produce a system of proportional representation; instead, the use of plurality or majority allocation rules remained standard.

† Multi-member districts are a necessary but insufficient component of proportional electoral systems. Proportional results *also* require a proportional electoral formula. In the U.S., the shift from multi-member districts to single-member districts in the latter half of the 20th century in part came about in response to the abuse of the former to dilute racial minority voting power. Multi-member district systems that maintain a plurality or majority electoral formula — a system termed *bloc voting*, a variant of winner-take-all — allowed a simple plurality or majority in white-majority districts to sweep all seats: in effect, simply giving more seats to the already-dominant voter bloc. Larger district magnitudes combined with a plurality or majority allocation method can produce the opposite of proportional results. For instance, in a six-seat district, 51 percent of voters are in practice able to elect all six seats, rather than the three that would correspond to their vote-share. The system has been employed in various jurisdictions across the U.S. to bar minority voters and parties from representation. Barbara L. Berry and Thomas R. Dye, *The Discriminatory Effects of At-Large Elections*, Florida State University Law Review vol. 7, no. 85 (1979) at 85–122; Richard L. Engstrom and Michael D. McDonald, *Electoral Laws and Their Political Consequences*, Agathon Press (1986); Francesco Trebbi, Philippe Aghio and Alberto Alesina, *Electoral Rules and Minority Representation in U.S. Cities*, Quarterly Journal of Economics vol. 123, no. 1 (2008) at 325–357; Richard A. Walawender, *At-Large Elections and Vote Dilution: An Empirical Study*, University of Michigan Journal of Law Reform vol. 19 (1986) at 1221–1242.

‡ 22 democracies today use a winner-take-all system, while 75 use a proportional or mixed-member proportional system. Cory Struthers, Yuhui Li and Matthew Shugart, *National and District Level Party Systems Datasets*, Harvard Dataverse (2018).

constituting one-third of a district's electorate, and who in general vote cohesively,[230] are unable to elect a representative of their choosing. Under proportional rules with, say, six seats in a district, Black voters would expect to secure at least two. Proportional multi-winner races tend to increase representation of minority and otherwise underrepresented groups in government.[231] One simulation of their use for the U.S. House observed a decrease in the electoral bias favoring one party from five percentage points to one, together with substantially improved minority representation. For example, in Southern states, where 60 percent of Black voters currently live in majority-white districts with Republican representatives, 98 percent would reside in a district where it is possible to elect at least one candidate of choice.*

Proportional multi-member districts would also generate greater electoral competition by decreasing the prevalence of "safe" districts. Given that such districts dominated by a single party now constitute more than 90 percent of all congressional districts, with the far-right increasingly insulated from rival competition, the relative effects would likely be significant.[232] Uncompetitive elections are currently a function of low district magnitudes, which are particularly sensitive to the geographic sorting of partisans (or "unintentional gerrymandering"[233]) that generate lopsided districts. In single-winner races, a district with a 55-60 percent share of one party's voters is generally considered "safe," producing predictable results for the single dominant party that can secure the single seat available. Increasing the number of seats decreases the likelihood of single-party rule. In proportional multi-member districts, voters need not "live in 'swing' districts for their votes to matter" and "elections do not come down to a limited number [of such districts]."[234] Indeed, the above simulation observed an increase in the number of congressional districts with an unpredictable electoral outcome from 15 percent to 43 percent.[235]

Single-member districts also permit intentional gerrymandering, generating the same effects as geographic sorting (see page 45). By contrast, systems of proportional representation in practice prohibit, or make exceedingly difficult, the ability of map-drawers to gerrymander. A survey of 54 democracies finds that "[n]ot all electoral systems are equally prone to gerrymandering," but rather that "[t]he problem is inherent in the system of one-seat districts, while it is less serious in [proportional] multimember districts."[236] Districts with a magnitude of at least five appear to be generally immune from gerrymandering.[237] By structurally depressing the share of "safe" congressional districts nationwide, proportional multi-member districts would expose current political actors, including an insulated far-right, to more electoral competition.

Perhaps most consequentially, multi-member districts create space for additional parties. For a given assembly size, as district magnitude increases, so too do opportunities for more parties representing more constituencies to contest more seats.[238, †]

* The simulation was conducted by Kevin Baas of the Auto-Redistrict program in partnership with FairVote using the provisions of the Fair Representation Act as a model. It assumed an expansion of districts with three to five members each while keeping the total size of the U.S. House the same. *Sample Fair Representation Act Maps*, FairVote. Steven Mulroy offers a more expansive overview of the simulation's findings in *Rethinking U.S. Election Law: Unskewing the System*, Edward Elgar Publishing (Dec. 28, 2018) at 143–145. These findings are consistent with other simulations that observe how this more proportional system is "predicted to secure POC-preferred candidates a fraction of the seats roughly equal to the POC population share." Benade, Buck, Duchin, Gold and Weighill, *Ranked Choice Voting and Minority Representation* at 25.

† In various countries with proportional multi-member districts, two major parties still enjoy the greatest share of the electorate's support. However, voters also enjoy a greater degree of freedom to "exit" from the major parties when dissatisfied. This has been observed recently in Ireland, where voters have signaled disapproval with its two major parties through support for alternatives. John Coakley and Michael Gallagher, *Politics in the Republic of Ireland*, Routledge (2018). However, while more viable parties can improve electoral competition, they also risk "fractionalization," or party fragmentation. More parties can produce overly "broad and fractious coalitions" and in theory decrease voters' ability to hold individual lawmakers or parties accountable. Thus, much scholarly discussion has focused on "optimal" district magnitudes in order to all-around maximize competition and minimize fractionalization. John M. Carey and Simon Hix, *The Electoral Sweet Spot: Low-Magnitude Proportional Electoral Systems*, American Journal of Political Science vol. 55, no. 2 (Feb. 1, 2011) at 383–397.

A CLOSER LOOK

Gerrymandering and Single-Member Districts

There are two explanations for electoral biases structurally favoring one party over the other in the U.S. House and in state legislatures. The first is partisan gerrymandering. As Nicholas Eubank and Jonathan Rodden explain, "by 'packing' supporters of the opposition party into districts where they win by very large margins, and spreading one's own supporters out so one never wins by more than a small but comfortable margin, party leaders can maximize the number of seats they win by minimizing the number of their supporters' votes that are wasted."[239]

The second, geographic sorting, is a "less nefarious" but no less consequential source of structural bias. The dynamic described by Eubank and Rodden is again at play but occurs absent partisan intent: for example, Democrats tend to be spatially clustered ("packed") in urban areas whereas Republicans tend to be distributed across sub-urban and rural areas, winning by narrower margins while "wasting" fewer votes. This results in securing more seats than corresponds to votes. Both gerrymandering and geographic sorting play similar roles in generating biased electoral outcomes.[240]

Because both matter, efforts to eliminate partisan gerrymandering will not entirely solve for skewed representation. Consider, for example, that in jurisdictions where partisan gerrymandering has effectively been eliminated, structural biases that favor one party over the other remain. For example, "California's map, drawn in a consciously non-partisan environment and with non-partisan intent, is [still] severely distorted. In 2014, Democratic House candidates won 57% of the vote, yet took 73.6% (39 of 53) of seats."[241]

Because geographic sorting persists, so too do electoral biases.

Underlying both phenomena are single-member districts. Single-member districts are both uniquely vulnerable to gerrymandering and uniquely sensitive to geographic sorting. As researchers conclude, independent commissions to eliminate gerrymandering "are hamstrung by the single-winner model itself... the commissions serve as canaries in the coalmine, alerting us to the fundamental incompatibility of single-member districts with a robust, flexible, and representative democracy."[242,*] According to one legal scholar: "As long as you have [single-member districts], you will have gerrymandering," even if "unintentional" as with sorting.[243]

Proportional multi-member districts weaken both sources of structural biases, minimizing the biases generated by geographic sorting while also impairing the ability to gerrymander.[244] Multi-winner races (with a proportional electoral formula) often ends the practice, given that drawing districts to advantage one party at the expense of another becomes "prohibitively difficult."[245] However, the number of winners matters: research finds that as long as a system "has at least five seats in every district, it is effectively immune from gerrymandering."[246]

* Research has also contested the conclusion that independent commissions in fact eliminate partisan gerrymandering. While they may decrease deleterious effects, various studies have found that commissions still exhibit partisan bias and that they may still be subject to political influence. Robin Best, Steve Lem, Daniel Magleby and Michael McDonald, *Do Redistricting Commissions Avoid Partisan Gerrymanders?*, American Government and Politics vol. 50, no. 3 (Sep. 17, 2019); *2012–2020 Redistricting Plan: California*, PlanScore; Josh Goodman, *Why Redistricting Commissions Aren't Immune From Politics*, Stateline (Jan. 27, 2012). Indeed, during the current decennial redistricting process, many such "commissions... have fallen victim to entrenched political divisions... In Virginia, members of a bipartisan panel were entrusted with drawing a new map of the state's congressional districts. But politics got in the way. Reduced to shouting matches, accusations and tears, they gave up. In Ohio, Republicans who control the legislature simply ignored the state's redistricting commission, choosing to draw a highly gerrymandered map themselves. Democrats in New York are likely to take a similar path next year. And in Arizona and Michigan, independent mapmakers have been besieged by shadowy pressure campaigns disguised as spontaneous, grass-roots political organizing." Nick Corasaniti and Reid J. Epstein, *How a Cure for Gerrymandering Left U.S. Politics Ailing in New Ways*, The New York Times (Nov. 17, 2021).

Whereas the U.S. electoral system's strict two-party system by design impairs electorally competitive third (or fourth, or fifth) parties, proportional multi-member districts would create space for, say, a new center-right party to contest the far-right and give "center-right voters a meaningful home."[247] Or, instead, they could create opportunities to restore a pro-democracy Republican Party while relegating the far-right to its own minority party.* Certainly, how political leaders and voters would assemble and compete given more flexibility is uncertain.† But opportunities would nonetheless expand.

More viable parties in turn create more space for cross-partisan coalition building in elections and legislatures,‡ which may be especially relevant in the context of party responses to extremist movements. In various contemporary democracies, the rise of far-right movements has often been countered not by left-leaning parties but by coalitions led by right-leaning ones — for example, by Germany's Christian Democrats,[248] the Netherlands' VVD,[249] and Finland's National Coalition Party.[250] A more proportional electoral system that permits more parties is more likely to expand possibilities for coalitions that oppose an authoritarian faction. Given that a majority of American voters still regularly oppose antidemocratic politics, center-right and left leaders could take advantage of a more fluid party system that permits these voters to coalesce against extremism.

House expansion

Often coupled with recommendations to introduce proportional multi-member districts for congressional elections are proposals to expand the size of the House of Representatives, such that the House accommodates more representatives each representing enlarged districts.[251] The Framers prescribed a standard of 30,000 constituents per representative and intended that the House would regularly grow to maintain the ratio.[252] (James Madison proposed capping the size of each district at 50,000 members in a constitutional amendment just to be sure.[253]) While Congress regularly expanded the House after each census, representatives in 1929 placed a cap on House expansion, "no longer interested in diluting their own power."[254] At the time, the average number of constituents per representative was a quarter million, compared to three-quarters of a million today.[255] Only one country, India, has a greater constituent-to-representative ratio than the U.S. The next-largest, Japan, has one-third as many constituents per representative. The U.S. ratio is six to seven times greater than most other advanced democracies.[256]

That the size of the House has remained fixed for more than 100 years while the U.S. population has more than tripled "has created the perfect recipe for unequal representation… [with] significant discrepancies in district sizes across states."[257] For example, based on 2020 census data, Montana and Rhode Island "will each have about 215,000 fewer people per district than the national average." The average member in California "will represent more than 761,000 constituents, while Wyoming's will represent just shy of 578,000."[258]

* Increased space for new parties, to be sure, implies a greater likelihood of far-right parties emerging to begin with. Indeed, more proportional electoral rules have helped to explain the increased seat shares of far-right parties across Western Europe in recent decades. Robert W. Jackman and Karin Volpert, *Conditions Favouring Parties of the Extreme Right in Western Europe*, British Journal of Political Science vol. 26, no. 4 (Oct. 1996) at 501–521. However, in this context, far-right movements have been more likely to form their own parties rather than take over major parties. Colin Copus, Alistair Clark, Herwig Reynaert and Kristof Steyvers, *Minor Party and Independent Politics beyond the Mainstream: Fluctuating Fortunes but a Permanent Presence*, Parliamentary Affairs vol. 62, no. 1 (Jan. 2009) at 4–18. Under proportional rules, far-right extremists "can gain some representation. But unless they represent an actual majority, their power is limited," in part due to the competitive responses from the major parties. Drutman, *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America* at 230–231.

† However, given that district magnitude is generally predictive of the number of effective parties (supra note 164), and given survey responses used to map the distribution of the electorate along various dimensions likely relevant to their would-be party affiliation, there may be some window into what a future electoral playing field may look like. *See*, e.g., Lee Drutman, *Quiz: If America Had Six Parties, Which Would You Belong To?*, The New York Times (Sep. 8, 2021).

‡ Coalitional politics are a defining feature of multiparty systems. For a discussion of contemplated coalitional effects in the U.S. Congress, *see* Drutman, *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America* at 232–235.

Similarly, recent research on constituent ratios for state legislatures has observed considerable increases, "resulting in more negative evaluations of representative government."[259] Small assembly sizes may also carry implications for antidemocratic extremism. Representatives with larger constituencies are more likely to adopt more extremist positions disfavored by a majority of their constituents;[260] more likely to cater to wealthier constituents;[261] and more likely to be distrusted by constituents.[262] An expanded House may not only help to minimize these effects, but would also very likely have a salutary effect on other structural issues, such as increasing the proportionality of Electoral College results.[263]

Primary elections

While fusion voting (ballot structure), proportional multi-member districts (district magnitude and electoral formula), and a larger legislature (assembly size) touch on the core components of electoral systems, reforms to primaries are specific to the U.S. context. Across the U.S., there are now seven distinct subclasses of congressional primaries, including closed, partially closed, open to unaffiliated voters, fully open, nonpartisan top-two, and nonpartisan top-four. However, except for nonpartisan top-four (discussed below), the "overwhelming conclusion across multiple studies is that the differences across primary types do not have much of an impact on who votes, who runs, or who wins." These reform variations have had little to no meaningful effects on consistently low turnout; on incentivizing more moderate candidates to run or generating more moderate winners; or on reducing polarization.[264]

The nonpartisan top-four primary is the newest of the reforms, adopted recently in Alaska, in which the top-four vote-getters, regardless of party affiliation, move on to the general election. (Though as Lee Drutman observes, in a top-four system, "it really no longer even makes sense to think of the first election as a 'primary'... [but instead] as a preliminary or first-round election."[265]) Empirical research assessing sustained effects is not yet available.

In light of their absence elsewhere, "primaries are clearly not a necessary ingredient for democracy."[266] If the U.S. could, through some combination of the reforms discussed above, have genuinely and consistently competitive general elections, the opportunity for expanded choices that primaries are intended to further would be available in those general elections, with the added benefit of asking voters to turn out to the polls once instead of twice. Given that the major U.S. political parties are some of the weakest among advanced democracies;[267] that party control over nominations would very likely "lead to more professionalized party organizations";[268] and the scholarly consensus that strong parties are a bedrock of strong democracies,[269] moving away from primary elections and toward consistently contested multiparty general elections may be a desirable reform.

Each of these reform examples is intended to illustrate how adjustments to the basic levers of an electoral system carry implications for mitigating the authoritarian threat. But of course, they represent only a sample. Options for reform are expansive.[270] Some reform ideas, too, are particular to the U.S. context, such as changes to primaries, or to the comparatively small size of the House and state legislatures. If the U.S. electoral system is indeed accelerating the authoritarian threat and blunting the ability to effectively address it, electoral reforms are deserving of serious scrutiny among those across the ideological spectrum who commonly support a more resilient democracy.

Conclusion

AMERICAN DEMOCRACY IS AN OUTLIER on any number of dimensions: its presidential system, federal structure, and common law system are all, to varying degrees, anomalies among peers. As a 2014 comparative survey of democratic political systems observed, "the mix of institutions found in the United States is nearly unique within the universe of democracies."[271]

antidemocratic extremism but is also poorly positioned to combat it. Reconfiguring electoral system design is a pathway to help protect democracy against those who would do it harm.

As the U.S. confronts democratic deconsolidation, it should re-examine its electoral system and its relationship to the authoritarian threat. Most fundamentally, its chosen class of electoral system — winner-take-all — is accelerating antidemocratic extremism. By structurally generating "seat bonuses" that favors one political party over the other, outcomes are predictably biased and the advantaged party is poorly incentivized to compete broadly for support. By regularly permitting electoral wins with a minority of the vote, candidates are rewarded for catering to smaller, more coherent, and sometimes more extreme factions. And by capturing only limited information from voters by providing limited choices in a two-party system, election outcomes poorly reflect the more complex preferences of a diverse electorate.

> "Electoral systems are not fixed. They represent a set of choices with implications for the direction of democracy.

But perhaps nowhere is the U.S. system more distinct than in its configuration of electoral system design choices. No other major democracy outsources candidate selection to the public through primaries;[272] the use of winner-take-all has generated one of the world's strictest two-party systems;[273] and the average lawmaker represents vastly more constituents than in any other advanced democracy.[274] The U.S. is an electoral system outlier.

As this report has argued, its outlier status does not bode well for democratic resilience. The U.S. electoral system is not only advantaging

The U.S. system is also making the authoritarian threat more difficult to combat. By structurally allowing for the pervasiveness of "safe" districts, and by blunting the ability of new parties to compete — such as a center-right party — winner-take-all is weakening electoral competition such that the far-right is increasingly unchallenged. By diluting the voting power of minorities through nonproportional representation, racial and ethnic groups targeted by the authoritarian threat are structurally disadvantaged to combat it at the ballot box. And by structuring politics as a binary conflict, voters are shuffled into two competing camps in a zero-sum game — with few opportunities to reach across lines of division and collectively confront extremism. Meanwhile, those who do so from within their political party are often alienated or exiled.

The various effects of winner-take-all are not new, and in fact well-documented long before the current moment of American democratic decline.[275] Electoral biases, nonproportional outcomes, and barriers to entry for new parties are all typically predictable features. But in a country where, for example, geographic sorting,[276] partisan polarization,[277] and the nationalization of politics[278] are accelerating, the features of our specific system appear ill-suited to our new reality.

As extremism escalates, and as extremists deepen authoritarian gains while in power to secure their advantages, democratic crises will become harder to combat: a feedback loop without an evident off-ramp. Absent basic change to a system that structures outcomes and incentivizes behavior in ways that advantage extremism, the U.S. is likely to continue its slide toward authoritarianism.

Yet electoral systems are not fixed. They represent a set of choices with implications for the direction of democracy, structuring outcomes and shaping political behavior. As sampled above, changes to district magnitude, ballot structure, and electoral formula could incentivize political actors to assemble broader coalitions rather than cater to smaller factions; weaken structural biases in electoral outcomes that disproportionately benefit one party over the other; facilitate compromise outcomes across a diverse electorate; enhance the representation of minority groups; introduce substantial new competition; and enable cross-partisan coalition building, among other possible effects. Indeed, various reform options — including many not examined here, such as those to Senate* and presidential races† — also deserve consideration for turning the authoritarian tide.

But is electoral system reform possible?

There is, as electoral systems expert Alan Renwick observes, "a widespread acceptance of what seem[s] like a simple truth: because the future of the electoral system is determined by those in power, who have typically entered power because they benefit from the prevailing rules, significant electoral reform is very rare." And yet, "we have learned that, in fact, things are more complex. Significant electoral reforms do occur."[279]

While assessing the politics of electoral systems is beyond the scope of this report,[280] it would be a mistake to assume that nonviability of significant reform is a foregone conclusion. Political scientist Richard Katz, for instance, offers a variety of reasons why political actors "might change, or allow to be changed, the rules of the game they

* For example, consider the use of single-winner ranked-choice voting for Senate elections. Drutman, *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America* at 194–195. Or consider a semi-proportional representation system for Senate elections, in which voters elect Senators simultaneously. Lijphart, *Polarization and Democratization*.

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are winning," such as a belief that "their continued victory is seriously threatened under the existing rules."[281] Indeed, the list of major democracies that have engaged in substantive electoral reforms is long.[282] The U.S.'s own lengthy history of reform is no exception.

While this report has intended to spotlight the key levers of the U.S. electoral system and their relationship to antidemocratic extremism, it has not intended to suggest that changes to the machinery of elections will, by themselves, solve a deepening democratic crisis. Basic rules matter, but they are of course not the only dimensions of a democracy that matter. As electoral systems scholar Michael Gallagher cautions, "many features of political behavior have roots that run far deeper than a single institution such as the electoral system."[283] Electoral system reform should be one among the many major generational projects pursued by today's defenders of democracy.

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