

# ADVANTAGING AUTHORITARIANISM

The U.S. Electoral System &  
Antidemocratic Extremism

**Instructions for  
Marking Your Ballot**

Read these instructions carefully

Yes/Sí/Wi  
 No/No/Non

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Protect Democracy is deeply grateful for the expertise generously provided by scholars whose work and reviews helped to shape this report. A special thanks to Arend Lijphart, Jack Santucci, Jennifer Gandhi, Larry Diamond, Lee Drutman, Yascha Mounk, and Cynthia McClintock. Notwithstanding their generous input, Protect Democracy takes sole responsibility for the content of this report.

This publication is available at: <https://protectdemocracy.org/advantaging-authoritarianism/>

Suggested citation: Protect Democracy, *Advantaging Authoritarianism: The U.S. Electoral System and Antidemocratic Extremism* (Jan. 2022).

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The image features a silhouette of the United States Capitol building in Washington, D.C., set against a vibrant, deep red sunset sky. The building's iconic dome and the Statue of Liberty atop it are clearly visible. The lower portion of the image is partially obscured by a dark red horizontal bar containing the word "INTRODUCTION" in white, bold, uppercase letters. The entire scene is framed by a light blue border on the left and bottom sides.

# 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.<sup>1</sup>

Meanwhile, hundreds of bills designed to help partisans overturn elections have since been introduced, and some enacted, across dozens of states.<sup>2</sup> As one recent 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.”<sup>3</sup>

Although once marginal, and despite ongoing efforts by center-right political leaders to counter its influence,<sup>4</sup> 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, antidemocratic politics in the U.S. remain unpopular. For instance, the vast majority of Americans—more than 8 in 10—disapprove of the January 6th rioters, including 75 percent of Republicans;<sup>5</sup> and consistently less than 4 of every 10 Americans approved of President Donald Trump.<sup>6</sup> 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.<sup>7</sup>

**This paper 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.”<sup>8</sup> As

this paper will contend, not only is the U.S. electoral system a relative anomaly among its democratic peers. It is also aggravating the authoritarian threat by advantaging and rewarding extremism.

**First, this paper presents a brief primer on electoral system choices.** Three levers constitute the basic machinery of an electoral system: district magnitude, ballot structure, and electoral formula. 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—single-member plurality—and ways by which its basic features may be structurally favoring extremism.** The district magnitude, ballot structure, and electoral formula choices constituting single-member plurality—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 paper 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.

1 Jacqueline Alemany, Emma Brown, Tom Hamburger and Jon Swaine, *Ahead of Jan. 6, Willard hotel in downtown D.C. was a Trump team ‘command center’ for effort to deny Biden the presidency*, The Washington Post (Oct. 23, 2021).

2 States United Democracy Center, Protect Democracy and Law Forward, *Democracy Crisis in the Making: How State Legislatures are Politicizing, Criminalizing, and Interfering with Elections* (Apr. 22, 2021).

3 New America, *Statement of Concern* (Updated Jun. 15, 2021).

4 Miles Taylor and Christine Todd Whitman, *We Are Republicans. There’s Only One Way to Save Our Party From Pro-Trump Extremists.*, The New York Times (Oct. 11, 2021).

5 Anthony Salvanto, Jennifer de Pinto, Kabir Khanna and Fred Backus, *CBS News poll: Still more to learn about January 6, most Americans say*, CBS News (Jul. 20, 2021).

6 *How popular is Donald Trump?*, FiveThirtyEight (Updated Jan. 20, 2021).

7 Alex Shephard, *If You Want to Get Ahead in the GOP, You’d Better Support Trump’s Big Lie*, The New Republic (Jul. 7, 2021); Michael C. Bender, Alexa Corse and Joshua Jamerson, *Trump’s False Claims of Voter Fraud Test Republican Candidates*, The Wall Street Journal (Nov. 23, 2021).

8 Robert A. Dahl, *How Democratic Is the American Constitution?*, Yale University Press (Nov. 10, 2003).

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.<sup>9</sup>

Lastly, while this paper does not advocate for any specific suite of reforms, it does briefly **illustrate reform options and recommend pursuing reforms 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 substantially greater 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 paper will not suggest that either side of the political spectrum is uniquely susceptible to antidemocratic extremism. Both left- and right-wing authoritarian populism is on display across much

of the globe;<sup>10</sup> 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,<sup>11</sup> with the right moving much farther right—and at a much faster rate—than the left is moving left.<sup>12</sup> 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.<sup>13</sup>

Finally, this paper does not presuppose that America's democratic backsliding can be fully explained by its electoral system. The authoritarian threat is a multi-causal phenomenon. Socio-cultural,<sup>14</sup> geographic,<sup>15</sup> and economic factors,<sup>16</sup> among others, have helped to pave the way for democratic deconsolidation, as they have globally.<sup>17</sup> Further, while the surge of extremism<sup>18</sup> and democratic backsliding<sup>19</sup> 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 towards authoritarianism. However, as this paper will argue, the U.S. electoral system is poorly designed to help weather this threat—and moreover, is likely exacerbating it.

9 As qualified later, this does not imply political centrism, but instead refers to voices that stand against extremism within their political party.

10 Yascha Mounk, *The People vs. Democracy*, Harvard University Press (Mar. 5, 2018).

11 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, *Having Their Cake and Eating It, Too: Why Local Party Leaders Don't Support Nominating Centrists*, British Journal of Political Science (Oct. 1, 2018). 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. 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 Scholarship Online (Jan. 2020); Joseph Fishkin and David E. Pozen, *Asymmetric Constitutional Hardball*, Columbia Law Review (2018); Annelise Russell, *Conservatives and Asymmetric Polarization*, Routledge (2021); 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*, Oxford University Press (2018).

12 Norm Ornstein, *Yes, Polarization Is Asymmetric—and Conservatives Are Worse*, The Atlantic (Jun. 19, 2014); Thomas E. Mann and Norman J. Ornstein, *It's Even Worse Than It Looks: How the American Constitutional System Collided with the New Politics of Extremism*, Basic Books (Apr. 5, 2016).

13 Brandon Van Dyck, *Why Right Populists Beat Left Populists*.

14 Frederick Solt, *The Social Origins of Authoritarianism*, Political Research Quarterly (Dec. 2012).

15 J.R. Brown and R.D. Enos, *The measurement of partisan sorting for 180 million voters*, Nature Human Behavior (Mar. 8, 2021).

16 Cameron Ballard-Rosa, Amalie Jensen and Kenneth Scheve, *Economic Decline, Social Identity, and Authoritarian Values in the United States*, International Studies Quarterly (Apr. 28, 2021); Joan C. Timoneda, *Wealth wars: How productivity gaps explain democratic erosion in advanced economies*, European Political Science Review (Jul. 23, 2021).

17 Mounk, *The People vs. Democracy*.

18 Anna Lührmann, Juraj Medzihorsky, Garry Hindle and Staffan I. Lindberg, *New Global Data on Political Parties: V-Party*, V-Dem Institute (Oct. 2020).

19 Economist Intelligence, *Democracy Index 2020: In sickness and in health?* (2020); Institute for Democracy and Electoral Assistance, *The Global State of Democracy 2021: Building Resilience in a Pandemic Era* (2021).

**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.**

What follows is therefore 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.<sup>20</sup> But electoral system design choices certainly play a central role in either compounding the problem or better ensuring a fair fight.

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<sup>20</sup> Sarah Repucci and Amy Slipowitz, *Democracy under Siege*, Freedom House (2021).





**AN AUTHORITARIAN**

**OUTLIER**

**B**roadly, the authoritarian threat facing the U.S. is consistent with global trends. The vote share for right-wing authoritarian populist parties<sup>21</sup> has risen steadily for decades across advanced democracies<sup>22</sup>—a trend also buoyed by younger democracies.<sup>23</sup> The effects on democratic institutions have been devastating.<sup>24</sup>

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:<sup>25</sup> more extreme than France’s National Rally and the Austrian Freedom Party, and more closely in the illiberal company of Poland’s PiS and Germany’s AfD.<sup>26</sup> 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.<sup>27</sup>

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.<sup>28</sup>

But messy coalitional compromises while in power disillusioned its base and fractured the party, forcing it out of government and circumscribing its support.<sup>29</sup> More recently, in the Czech Republic, a broad coalition of left and center-right parties unseated the populist ANO this October.<sup>30</sup> 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.<sup>31 32</sup>

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],”<sup>33 34</sup> including by rewriting electoral regulations to interfere with election administration and further disenfranchise already marginalized voter groups.<sup>35</sup> While gains by authoritarian populists elsewhere have in recent years

21 Authoritarian populists are defined here as parties and 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 2018).

22 Pippa Norris, *It’s not just Trump. Authoritarian populism is rising across the West. Here’s why.*, The Washington Post (Mar. 11, 2016); Mattia Zulianello and Erik Gahner Larsen, *Populist parties in European Parliament elections: A new dataset on left, right and valence populism from 1979 to 2019*, Electoral Studies (Jun. 2021).

23 *Time to go*, The Economist (Jun. 5, 2021); *Narendra Modi threatens to turn India into a one-party state*, The Economist (Nov. 28, 2020).

24 Yascha Mounk and Jordan Kyle, *What Populists Do to Democracies*, The Atlantic (Dec. 26, 2018).

25 Sahil Chinoy, *What Happened to America’s Political Center of Gravity?*, The New York Times (Jun. 26, 2019).

26 Lührmann, Medzihorsky, Hindle and Lindberg, *New Global Data on Political Parties: V-Party*.

27 Pippa Norris, *Measuring populism worldwide*, Party Politics (Jul. 2, 2020); quote from Zack Beauchamp, *The Republican Party is an authoritarian outlier*, Vox (Sep. 22, 2020).

28 David Arter, *The ‘Hows’, not the ‘Whys’ or the ‘Wherefores’: The Role of Intra-party Competition in the 2011 Breakthrough of the True Finns*, Scandinavian Political Studies (Jan. 15, 2013).

29 Richard Milne, *True Finns split holds lesson for Europe’s populists*, The Financial Times (Jun. 16, 2017).

30 Robert Tait, *Czech PM’s party loses election to liberal-conservative coalition*, The Guardian (Oct. 9, 2021).

31 Nick Ottens, *Swedish Center-Right Adjusts to Rise of Far Right*, Atlantic Sentinel (Dec. 11, 2019).

32 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 (Jun. 30, 2021).

33 Scott Mainwaring quoted in Colleen Sharkey, *Political science professors sign statement warning of threats to US democracy*, Notre Dame News (Jun. 8, 2021).

34 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.” *Elections Without Democracy: The Rise of Competitive Authoritarianism*, Journal of Democracy (Apr. 2002). Levitsky and Way more recently 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*, Journal of Democracy (Jan. 2020).

35 States United Democracy Center, Protect Democracy and Law Forward, *Democracy Crisis in the Making: How State Legislatures are Politicizing, Criminalizing, and Interfering with Elections; Voting Laws Roundup: July 2021*, The Brennan Center for Justice (Jul. 22, 2021).

either flatlined or abated,<sup>36</sup> the American far-right is consolidating power.<sup>37</sup>

\* \* \*

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.

Across most advanced democracies, and despite gains, far-right parties have fallen far short of sweeping electoral wins. Most remain deeply unpopular,<sup>38</sup> as they have for decades<sup>39</sup>—including in the U.S., where support for both Trump and the current Republican Party remains well below a majority.<sup>40</sup> Among Republicans, Trump’s approval rating has remained close to 80 percent, which equates to only roughly 20 percent of the voting-age population.<sup>41</sup> Indeed, as political scientist Lee Drutman observed this year, “if ‘Trump Supporters’ were their own party, they’d be about as popular as Germany’s far-right AfD”<sup>42</sup>—Germany’s fifth most popular party.<sup>43</sup> Yet while the AfD has so far been marginalized by Germany’s mainstream parties, including by the center-right Christian Democrats, 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 on the left.<sup>44</sup> And as far-right extremists purge the Republican Party of its

pro-democracy conservatives,<sup>45</sup> the latter have “found themselves political exiles, banished or self-banished from the political home of a lifetime.”<sup>46</sup> Some, in turn, have threatened to start a new party.<sup>47</sup> 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.

**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.**

Why America’s far-right is anomalously successful, and why efforts to combat it appear structurally disadvantaged, is the central inquiry of this paper. Prior, however, this paper provides a brief overview of the core components of electoral systems in advance of examining their relationship to extremism in the U.S.

36 Guy Chazan, Miles Johnson and Sam Jones, *Europe’s far-right stumbles as infighting and rivals sap strength*, The Financial Times (Oct. 14, 2020); Larry Bartels, *The ‘wave’ of right-wing populist sentiment is a myth*, The Washington Post (Jun. 21, 2017); Yascha Mounk, *We Might Have Reached Peak Populism*, The Atlantic (Jul. 7, 2021).

37 Blair Guild and JM Rieger, *How the Republican Party became the party of Trump*, The Washington Post (Jun. 11, 2021).

38 John Gramlich and Katie Simmons, *5 key takeaways about populism and the political landscape in Western Europe*, Pew Research (Jul. 12, 2018).

39 Bartels, *The ‘wave’ of right-wing populist sentiment is a myth*.

40 *How popular is Donald Trump?*, FiveThirtyEight; Jeffrey M. Jones, *GOP Image Slides Giving Democrats Strong Advantage*, Gallup News (Feb. 10, 2021).

41 Grace Sparks, *How many Americans actually support Trump?*, CNN Politics (Sep. 27, 2018).

42 Lee Drutman, *American Democracy Can’t Survive Unless the Far Right Is Marginalized. Here’s How to Do It*, TIME (Mar. 19, 2021).

43 Jon McClure, Prasanta Kumar Dutta and Madeline Chambers, *German Election: The polls*, Reuters (Sep. 25, 2021).

44 David Wasserman and Ally Flinn, *Introducing the 2021 Cook Political Report Partisan Voter Index*, The Cook Political Report (Apr. 15, 2021).

45 Barbara Sprunt, *GOP Ousts Cheney From Leadership Over Her Criticism Of Trump*, NPR (May 12, 2021).

46 David Frum, *What the Never Trumpers Want Now*, The Atlantic (Sep. 13, 2021).

47 Tim Reid, *Exclusive: Dozens of former Republican officials in talks to form anti-Trump third party*, Reuters (Feb. 10, 2021).



# 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.”<sup>48</sup> 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.”<sup>49</sup> 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.”<sup>50</sup>

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.”<sup>51</sup> Which is to say, we need to know something about a country’s electoral system. This paper 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.<sup>52</sup> But “at the heart of the electoral system is the process of translating votes into seats.”<sup>53</sup> Consider, for instance, that most Americans live in a congressional district with a single representative; that they may express a single preference at the ballot box for their representative; and that the winner is the candidate who receives the most votes. Each of these are distinct and mutable rule-design decisions that work to transform voter preferences into representation results.

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

This section presents a brief overview of electoral systems, including common concepts and definitions, and how they structure electoral outcomes and establish 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.

## Component parts

An electoral system can generally be broken down into three core component parts, which together constitute the basic machinery of translating votes into governing power.<sup>54</sup> 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.

1. **District magnitude:** *the number of seats for some demarcated constituency.* 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.
2. **Ballot structure:** *how voters can express their preferences when casting their votes.* For example,

48 Matthew Shugart and Rein Taagepera, *Votes from Seats: Logical Models of Electoral Systems*, Cambridge University Press (Oct. 2017).

49 Lena Groeger, Olga Pierce, Justin Elliott and Theodor Meyer, *House Seats vs. Popular Vote*, ProPublica (Dec. 21, 2012).

50 Shugart and Taagepera, *Votes from Seats: Logical Models of Electoral Systems*.

51 Ibid.

52 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). 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).

53 Pippa Norris, *Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems*, International Political Science Review (Jul. 1997).

54 Douglas Rae first distinguished these three key mechanics responsible for converting votes into seats. *The political consequences of electoral laws*, Yale University Press (1967). For a more recent summary of each, see Rein Taagepera and Matthew Shugart, *Seats & Votes: The Effects & Determinants of Electoral Systems* pgs. 19-37, Yale University Press (1989), or David Farrell, *Electoral Systems: A Comparative Introduction* pg. 6, Red Globe Press (2011).

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 found in most congressional and presidential elections in the U.S., where voters are able to indicate one preferred candidate per office.

- 3. Electoral formula:** *how votes are counted to determine winners and allocate 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.

Additionally, some scholars include assembly size as another core component of electoral systems, or the number of seats in a representative chamber.<sup>55</sup> This paper does not substantially examine assembly size in its analysis. However, issues with this feature and its potential relationship to extremism are briefly summarized later (see *Box 7: Enlarging the House of Representatives*).

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, and an electoral formula. Choices within these three categories are also expansive,<sup>56</sup> and an exhaustive examination of them is well beyond the scope of this paper. Instead, Box 1 presents a simplified taxonomy to illustrate certain common rule choices for each. The purpose of this limited synopsis is to outline the basic mechanics of the electoral system as a prerequisite to an examination of the U.S. system.

## Box 1: Electoral System Design Decisions

| Core Component            | Sample Choices   |
|---------------------------|--|
| <b>District Magnitude</b> | <b>Single-member district:</b> each district is represented by a single elected official                     |
|                           | <b>Multi-member district:</b> each district is represented by two or more elected officials                  |
| <b>Ballot Structure</b>   | <b>Categorical:</b> voters select one candidate (or party <sup>57</sup> )                                    |
|                           | <b>Ordinal:</b> voters rank their choices in order of preference   |
| <b>Electoral Formula</b>  | <b>Plurality:</b> the candidate who receives the most votes wins   |
|                           | <b>Majority:</b> the candidate who receives a majority of votes wins   |
|                           | <b>Proportional:</b> candidates are elected in proportion (or semi-proportionally) to the votes they receive |

<sup>55</sup> Shugart and Taagepera, *Votes from Seats: Logical Models of Electoral Systems*; Yuhui Li and Shugart, *The Seat Product Model of the effective number of parties: A case for applied political science*, *Electoral Studies* (Mar. 1, 2016); Rein Taagepera, *Predicting Party Sizes: The Logic of Simple Electoral Systems*, Oxford University Press (Sep. 2007).

<sup>56</sup> Herron, Pekkanen and Shugart, *The Oxford Handbook of Electoral Systems*.

<sup>57</sup> How voters are able to express their preferences (a single choice or a series of choices) is one of the two dimensions of ballot structure. The other is whether a ballot is candidate- or party-centered; that is, whether voters are voting for an individual or a party.

The sample choices in Box 1 mask significant variations. For instance, consider a “majority” electoral formula. In a two-way race, one candidate will necessarily secure more than 50 percent of the vote. In a race 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 an absolute majority threshold. Different majority electoral formulas 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 paper 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).<sup>58</sup> 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”<sup>59</sup>); 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.<sup>60</sup> 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.<sup>61</sup>

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.<sup>62</sup> 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.<sup>63</sup>

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

58 This system is also termed “plurality at-large” (as well as multiple non-transferable vote (MNTV) or block voting), a distinctly nonproportional system for selecting several representatives (in this case, electors) from a multi-member district.

59 The term “winner-take-all” refers to an electoral system “in which the candidate or party with the most support becomes the exclusive winner of the election, such that any other candidate or party gains no representation at all, no matter how substantial its share of the vote. All elections with a single winner, such as a governor or mayor’s race, are necessarily winner-take-all; however, elections for multi-member bodies, such as a state legislature or city council or school board, may or may not be winner-take-all.” Rob Richie and Andrew Spencer, *The Right Choice for Elections: How Choice Voting Will End Gerrymandering and Expand Minority Voting Rights, from City Councils to Congress*, University of Richmond Law Review (Mar. 1, 2013).

60 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*. 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).

61 L. Paige Whitaker and Thomas H. Neale, *The Electoral College: An Overview and Analysis of Reform Proposals*, Congressional Research Service (Nov. 5, 2004).

62 Steven Mulroy, *Rethinking US Election Law: Unskewing the System*, Edward Elgar Publishing (2020).

63 *National Popular Vote*, FairVote.

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 votes. 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.<sup>64</sup> 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.<sup>65</sup> Likewise, congressional primary wins with less than a majority are common.<sup>66</sup> 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.<sup>67</sup> A majority rule would have required that Rep. Trahan secure an additional 28.3 percent.

**Electoral system design decisions can strictly limit or create the possibility of certain outcomes.**

Rep. Trahan's district, a "safe district," has been represented by Democrats for two decades.<sup>68</sup> 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 minority and smaller parties are represented.<sup>69</sup> In this case, we would expect that Rep. Trahan's district, with its roughly one-third share of Republican voters, would also send a Republican to

Congress.<sup>70</sup> Which is to say, the district would no longer be "safe" for just one party. This is not to suggest that minority or smaller parties will always win, only that the outcome is made more likely.<sup>71</sup> 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.<sup>72</sup>

The boundaries of Rep. Trahan's district have also changed over time, making it vulnerable to partisan bias.<sup>73</sup> Partisan gerrymandering—wherein districts are intentionally drawn in order to generate seats for one party out of proportion to votes won—is made much easier by low district magnitudes. As observed globally, higher district magnitudes make gerrymandering less viable, while lower district magnitudes make it more likely.<sup>74</sup> 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.<sup>75</sup> Unsurprisingly, political actors take advantage of the possibility, increasing the probability of biased electoral outcomes.<sup>76</sup> (*Box 6: Gerrymandering & Single-Member Districts* later details the relationship between district magnitude and gerrymandering in more depth.) The existence 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

64 Bureau of Corporations, Elections & Commissions, *Tabulations for Elections held in 2010* (Jun. 2018).

65 Cameron Easley, *America's Most and Least Popular Governors*, Morning Consult (Apr. 12, 2018).

66 *Plurality Wins and Runoff Elections in US Congressional Primary Elections: 1994-2004*, FairVote (2004); Unite America, *The Primary Problem*.

67 *Lori Trahan*, BallotPedia.

68 *Massachusetts' 3rd Congressional District*, BallotPedia.

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

70 *Massachusetts' 3rd Congressional District*, BallotPedia.

71 Douglas W. Rae, *Using District Magnitude to Regulate Political Party Competition*, Journal of Economic Perspectives (1995).

72 *Massachusetts' 3rd Congressional District*, BallotPedia.

73 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.

74 Ferran Martínez i Coma and Ignacio Lago, *Gerrymandering in comparative perspective*, Party Politics (Apr. 12, 2016).

75 Nicholas Eubank and Jonathan Rodden, *Who Is My Neighbor? The Spatial Efficiency of Partisanship*, Statistics and Public Policy (Sep. 28, 2020).

76 See, for example, the in-progress gerrymandering during this 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).



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.”<sup>77</sup>

Each of the three main electoral system levers summarized above—district magnitude, ballot structure, and electoral formula—create forceful incentives that operate on the behavior of both politicians and voters.<sup>78</sup> 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.”<sup>79</sup>

## Electoral systems create forceful incentives that shape the behavior of both politicians and voters.

Consider again the effects of district magnitude. In multi-member districts (a district magnitude of two or greater), legislators are forced to share geographic constituencies. And given that a higher district magnitude tends to generate greater ideological diversity<sup>80</sup> and party representation<sup>81</sup> 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.<sup>82</sup> 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.<sup>83</sup> 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.<sup>84</sup>

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”).<sup>85</sup> The behavior is in direct response to electoral rules, such as providing voters with a categorical ballot (a single choice) in a plurality election.<sup>86 87</sup> In this context, voters are cautious not to

77 Thomas Zittel and Thomas Gschwend, *Individualized constituency campaigns in mixed-member electoral systems. The case of the German parliamentary elections in 2005*, *Politische Vierteljahresschrift* (Jan. 1, 2007).

78 For an example of district magnitude shaping behavior, see Jeffrey A. Taylor, Paul S. Herrnson and James M. Curry, *The Impact of District Magnitude on the Legislative Behavior of State Representatives*, *Political Research Quarterly* (Oct. 19, 2017). For an example of ballot structure shaping behavior, see Pippa Norris, *Ballot Structures & Legislative Behavior*, (Dec. 2012). For an example of electoral formula shaping behavior, see Pippa Norris, *Electoral Engineering: Voting Rules and Political Behavior*, Cambridge University Press (2004).

79 Norris, *Electoral Engineering: Voting Rules and Political Behavior*.

80 Greg D. Adams, *Legislative Effects of Single-Member Vs. Multi-Member Districts*, *American Journal of Political Science* (Feb. 1996).

81 Richard G. Niemi, Jeffrey S. Hill and Bernard Grofman, *The Impact of Multimember Districts on Party Representation in U.S. State Legislatures*, *Legislative Studies Quarterly* (Nov. 1985).

82 Justin H. Kirkland, *Multimember Districts’ Effect on Collaboration between U.S. State Legislators*, *Legislative Studies Quarterly* (Aug. 2012).

83 Christopher A. Cooper and Lilliard E. Richardson, Jr., *Institutions and Representational Roles in American State Legislatures*, *State Politics & Policy Quarterly* (2006).

84 Joel W. Johnson and Jessica S. Wallack, *Electoral Systems and the Personal Vote*, *Harvard Dataverse* (2012).

85 Damien Bol and Tom Verthé, *Strategic Voting Versus Sincere Voting*, *Oxford Research Encyclopedia of Politics* (Sep. 30, 2019).

86 Laura B. Stephenson, John H. Aldrich and André Blais, *The Many Faces of Strategic Voting*, University of Michigan Press (Nov. 20, 2018).

87 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* (Apr.

“waste” their one vote, such as by selecting a candidate with little perceived chance of winning.<sup>88</sup> 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.<sup>89</sup> Certain rules can curb this behavior, such as ordinal ballots 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.<sup>90</sup>

\* \* \*

While there is no such thing as a “best” electoral system,<sup>91</sup> there is also no such thing as a “neutral” one. Whether by conscious design or historical happenstance, the design features of electoral systems structure outcomes and shape political behavior. Different design decisions can have dramatically different implications for the nature of political competition, breadth of representation, strength of accountability, dynamics of campaigning, legislative behavior, and policymaking outcomes.<sup>92</sup> 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.”<sup>93</sup>

This paper 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.

**While there is no such thing as a 'best' electoral system, there is also no such thing as a 'neutral' one.**

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2009).

88 James W. Endersby and Kelly B. Shaw, *Strategic Voting in Plurality Elections: A Simulation of Duverger’s Law*, PS: Political Science & Politics (Apr. 2, 2009); Daniel Kselman and Emerson Niou, *Strategic Voting in Plurality Elections*, Political Analysis (Nov. 12, 2009).

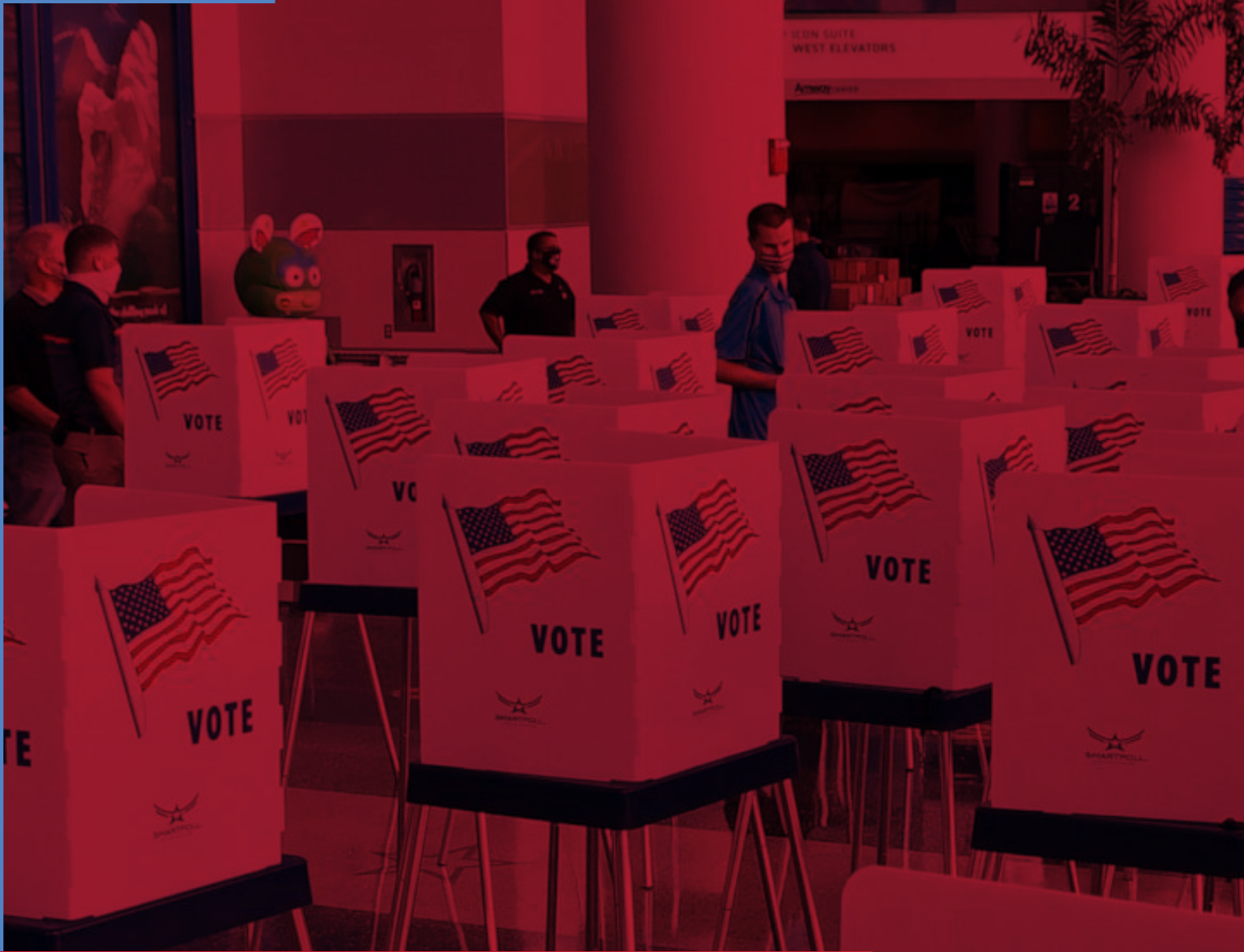
89 Benjy Sarlin, *United States of Trump*, NBC News (Jun. 20, 2016); Eric Maskin and Amartya Sen, *A Better Electoral System in Maine*, The New York Times (Jun. 10, 2018).

90 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 (Jan. 2017).

91 Eric Maskin and Amartya Sen, *The Arrow Impossibility Theorem*, Columbia University Press (Jul. 22, 2014).

92 For a brief summary of sample “goals” (“what you want to achieve, [and] what you want to avoid... when designing an electoral system”), see IDEA, *Electoral System Design: An Overview of the New International IDEA Handbook* pgs. 6-9, Electoral System Design: The New International IDEA Handbook (2005).

93 Norris, *Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems*.



**THE U.S. ELECTORAL**

**SYSTEM**

Like all political institutions, electoral systems are mutable. They can be changed in pursuit of particular goals.<sup>94</sup> And 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.”<sup>95</sup>

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,” some systems exacerbate social cleavages. As political scientist Benjamin Reilly observes,

Politicians in such “divided societies” often have strong incentives to “play the ethnic card” at election time, using communal appeals to mobilize voters. “Outbidding”—increasingly extreme rhetoric and demands—can offer rewards greater than those of moderation. In such circumstances, politics can quickly turn centrifugal, as the center is pulled apart by extremist forces... The failure of democracy is often the result.<sup>96</sup>

Reilly and others find that winner-take-all systems, such as those common in the U.S., in particular reward the exacerbation of social cleavages.<sup>97</sup> Arend Lijphart observes a “strong scholarly consensus” that in circumstances of “significant ethnic or religious divisions, the plurality model is clearly *not* advisable.”<sup>98</sup> Political sociologist Larry Diamond likewise expresses that if any generalization about institutional design is sustainable, it is that nonproportional systems “are ill-advised for countries with deep... polarizing divisions.”<sup>99</sup> For example, the single-member plurality 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.’”<sup>100</sup>

By contrast, certain classes of majority and proportional systems tend to perform better at facilitating “cooperation and accommodation among rival groups” such as through mechanisms that make “politicians reciprocally dependent on votes from groups other than their own.”<sup>101</sup> (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.<sup>102</sup>) 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 where appropriate, examples are used and implications are drawn for state legislatures, the Senate, and the presidency.

## America’s Electoral System Choices

House members are elected according to a straightforward set of rules (Box 2). These rules are statutory and ultimately at the discretion of Congress,<sup>103</sup>

94 Giovanni Sartori, *Political Development and Political Engineering*, Harvard University Press (1968); Alan Wall and Mohammad Salih, *Engineering Electoral Systems: Possibilities and Pitfalls*, NIMD Knowledge Center (Jul. 2008).

95 Seymour Martin Lipset, *The encyclopedia of democracy*, Congressional Quarterly (1995).

96 Benjamin Reilly, *Electoral Systems for Divided Societies*, *Journal of Democracy* (Apr. 2002).

97 Donald L. Horowitz, *Ethnic Groups in Conflict*, University of California Press (Apr. 2001).

98 Gallagher and Mitchell, *The Politics of Electoral Systems*.

99 Larry Diamond, *Developing Democracy*, John Hopkins University Press (May 7, 1999).

100 Mulroy, *Rethinking US Election Law*, quoting from Rein Taagepera and Matthew Soberg Shugart, *Seats and Votes: The Effects and Determinants of Electoral Systems*, Yale University Press (Jul. 24, 1991).

101 Reilly, *Electoral Systems for Divided Societies*.

102 Mulroy, *Rethinking US Election Law*.

103 U.S. Const. art. I, sec. 4, cl. 1.

though with the exception of district magnitude<sup>104</sup> have been delegated to the states.

## Box 2: The U.S. Electoral System (House of Representatives)<sup>105</sup>

| Core Component            | Selected Rule  |
|---------------------------|--|
| <b>District Magnitude</b> | <b>Single-member district:</b> one representative per district   |
| <b>Ballot Structure</b>   | <b>Categorical:</b> voters select one top-choice candidate       |
| <b>Electoral Formula</b>  | <b>Plurality:</b> the candidate who receives the most votes wins |

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. Indeed, much more so than alternative arrangements, simplicity characterizes the single-member plurality system.

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). It is also a distinguishing feature between proportional and nonproportional systems: single-member districts tend to generate nonproportional outcomes, as many voters (and sometimes most) will not have an official for whom they voted representing them.

- **Categorical ballots**

Second, voters may express one, and only one, preference in a congressional contest.<sup>106</sup> Categorical ballots strictly limit the options available to voters, such that a voter can indicate a preference for a single candidate but cannot make any additional choices, such as selecting a second-order preference. The ballots in turn limit the breadth of information gathered about the electorate's preferences.

- **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 or obtain an absolute majority. Its only feature is that the winning candidate must secure at least one more vote than the closest rival. 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.

<sup>104</sup> 2 U.S.C. sec. 2c.

<sup>105</sup> The Senate is elected according to a comparable set of rules; only district magnitude (two officials) is distinct.

<sup>106</sup> As the current lone exception, Maine uses ranked-choice voting for its congressional delegation, which employs ordinal ballots (voters list their candidate choices in order of preference) and a majority electoral formula (the winning candidate must secure a majority rather than a plurality). Alaska is slated to implement ranked-choice voting for its congressional contests in 2022.

While the U.S. is a minority among democracies in its use of the single-member plurality system (it is also used in the United Kingdom, Canada, India, and various smaller former British colonies, though discarded by New Zealand and South Africa),<sup>107</sup> other features make its system more squarely an outlier, such as its unusually large representative-to-constituent ratios (i.e., small national and state assembly sizes). Only one other democracy—India—has a lower chamber as small as the U.S. compared to its national population.<sup>108</sup>

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 has at least two major cumulative effects: (1) it is accelerating the authoritarian threat, and (2) is making it harder to combat. These effects are summarized in *Box 3: The Single-Member Plurality System & the Authoritarian Threat*.

## The U.S. is a minority among democracies in its use of the single-member plurality system.

Additionally, the U.S. is alone in its use of primary contests to nominate candidates, notably complicating the otherwise straightforwardness of the single-member plurality system.<sup>109</sup> No other country features something quite comparable. In most countries, political parties—private organizations—typically nominate their candidates through various internal mechanisms. Parties then offer candidate lists to the public and voters may select candidates from those lists (or alternatively, select the party itself) during elections. However, “compared to those of every other democracy, modern American political parties are uniquely porous and non-hierarchical in their selection of candidates,” leaving all nominations to the public through primaries.<sup>110</sup>

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.

\* \* \*

107 Particularly since the 1990s, an increasing number of democracies have adopted mixed-member electoral systems, or those that feature a hybrid of single-member plurality and some version of 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). Thus, single-member plurality can be found at work in democracies other than those listed here, even if not the dominant system. For a summary of mixed-member electoral systems, see also Farrell, *Electoral Systems: A Comparative Introduction* pgs. 93-118.

108 Drew Desilver, *U.S. population keeps growing, but House of Representatives is same size as in Taft era*, Pew Research (May 31, 2018).

109 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).

110 Reuven Y. Hazan and Gideon Rahat, *Democracy within Parties: Candidate Selection Methods and Their Political Consequences*, Oxford Scholarship Online (2010).

## Box 3: The Single-Member Plurality System & the Authoritarian Threat

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 single-member plurality in the U.S. may be both accelerating antidemocratic extremism and making it more difficult to contain and combat.

|                               |   |
|-------------------------------|---|
| <b>Accelerating extremism</b> | <b>Generating electoral biases:</b> exaggerating electoral wins in one party's favor, wherein the share of seats does not correspond to the share of votes.               |
|                               | <b>Rewarding coherent factions:</b> advantaging more coherent and extreme political factions at the expense of less coherent majorities.                                  |
|                               | <b>Collecting limited information:</b> inadequately revealing more complex voter preferences and precluding majority compromises.   |
| <b>Blunting counterforces</b> | <b>Weakening competition:</b> insulating extremists from competition by generating "safe" districts and inhibiting new competition (e.g., from a new center-right party). |
|                               | <b>Diluting minority voter power:</b> diminishing the ability of racial and ethnic minorities to secure representation in proportion to their votes.                      |
|                               | <b>Entrenching binary conflict:</b> intensifying animosity between partisans and purging pro-democracy voices within the Republican Party.                                |

### Accelerating Extremism

What follows is not a causal argument linking electoral rules to antidemocratic extremism, but instead a brief assessment of ways by which certain rules may exacerbate the problem. 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 by which single-member plurality can structure outcomes and shape political behaviors to advantage extremism.

### Generating Electoral Biases

A single-member plurality system by design "manufactures majorities."<sup>111</sup> The system originally developed in the United Kingdom with the intention of creating a strong party government, in part by "exaggerating" electoral wins. In post-war Britain, parliamentary governments "received, on average, 45 percent of the popular vote but 54 percent of seats."<sup>112</sup>

Single-member plurality can generate a sometimes striking exaggerative bias wherein electoral outcomes do not proportionally correspond to votes.<sup>113</sup> As political

<sup>111</sup> Norris, *Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems*.

<sup>112</sup> Ibid.

<sup>113</sup> Rae, *The political consequences of electoral laws*. ("In effect, the plurality system can reward strong parties out of all proportion to the size of their margins by giving the same reward to parties with 1 percent as to those with 50 percent margins. Hence, strong parties with support evenly spread

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.<sup>114</sup>

Biases are made possible by single-member districts, which allow for an “inefficient” distribution of partisans.<sup>115</sup> For example, consider a district of 60 percent Republicans and 40 percent Democrats. In this stylized case, a Republican secures 100 percent of the district with 60 percent of the vote; the outcome is not proportional to votes. 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 spatial distribution, not just the number of total votes for a party.

The importance of a party’s relative concentration of voters is unique to lower district magnitudes and generates an aggregate electoral bias.<sup>116</sup> For both federal and state legislative races, the aggregate bias

favoring the Republican Party is pervasive. For example, “even after the ‘blue wave’ election of 2018, Democrats failed to take control of several state legislatures and Congressional delegations in spite of winning comfortable majorities of votes.”<sup>117</sup> These inefficiencies are likely to worsen: as urbanization increases, so too will inefficient spatial concentration across single-member districts.<sup>118</sup> Other phenomena such as gerrymandering also contribute to electoral biases, but nonproportional outcomes are a typically predictable feature of the single-member plurality system regardless.<sup>119 120</sup>

As has been well documented at every level of government, the nonproportional effects of single-member plurality are advantaging one party.<sup>121</sup> This structural bias is also widely observed elsewhere under similar rules, as in the United Kingdom.<sup>122</sup> In some cases, the adoption of these rules has intentionally sought to amplify bias. For example, “Hungary now elects more than half of its legislature in single-winner districts, which gives a disproportionate bonus to Fidesz,” the ruling party.<sup>123</sup> 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.<sup>124</sup> In 2011, “new electoral rules helped the government to win 67% of the seats with 45% of the vote.”<sup>125</sup>

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

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over many districts may win a preponderant majority of the seats with fewer than half the total votes.”)

114 Molly E. Reynolds, *Republicans in Congress got a “seats bonus” this election (again)*, Brookings (Nov. 22, 2016).

115 Eubank and Rodden, *Who Is My Neighbor? The Spatial Efficiency of Partisanship*.

116 Jonathan Rodden, *The Geographic Distribution of Political Preferences*, Annual Review of Political Science (Jun. 15, 2010).

117 Eubank and Rodden, *Who Is My Neighbor? The Spatial Efficiency of Partisanship*.

118 Rodden, *The Geographic Distribution of Political Preferences*.

119 Matthew Shugart, *Distortions of the US House: It’s not how the districts are drawn, but that there are (single-seat) districts*, Fruits and Votes (Apr. 2, 2013); Eubank and Rodden, *Who Is My Neighbor? The Spatial Efficiency of Partisanship*.

120 Further, the possibility of gerrymandering is also largely a function of low district magnitudes, most especially in single-member districts. Christopher Ingraham, *In at least three states, Republicans lost the popular vote but won the House*, The Washington Post (Nov. 13, 2018); Christopher S. Fowler and Linda L. Fowler, *Here’s a different way to fix gerrymandering*, The Washington Post (Jul. 6, 2021); Reihan Salam, *The Biggest Problem in American Politics*, Slate (Sep. 11, 2014). Also see below, *Box 6: Gerrymandering & Single-Member Districts*.

121 Laura Bronner and Nathaniel Rakich, *Advantage, GOP*, FiveThirtyEight (Apr. 29, 2021); *America’s electoral system gives the Republicans advantages over Democrats*, The Economist (Jul. 14, 2018).

122 Ron Johnston, Charles Pattie, Danny Dorling and David Rossiter, *Fifty Years of Bias in the UK’s Electoral System*, APSA: Elections, Public Opinion and Voting Behaviour (2001).

123 Lee Drutman, *Breaking the Two Party Doom Loop: The Case for Multiparty Democracy in America*, Oxford University Press (Jan. 2, 2020).

124 Gábor Tóka, *Constitutional Principles and Electoral Democracy in Hungary*, Constitution Building in Consolidated Democracies: A New Beginning or Decay of a Political System? (2014).

125 Matthijs Bogaards, *De-democratization in Hungary: diffusely defective democracy*, Democratization (Jun. 25, 2018).



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.<sup>126</sup>

**By generating biased outcomes, single-member districts structurally provide one party with a predictable advantage over the other.**

### 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.

The above 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,<sup>127</sup> and were markedly more extreme in both their social (e.g., “Blacks have too much influence”) and ideological (e.g., “Immigration takes jobs”) views.<sup>128</sup> Strong factional support for one candidate defeated broadly distributed support for others. Economists Amartya Sen and Eric Maskin model how an alternative electoral formula in place of the plurality rule may have generated markedly different results.<sup>129</sup>

Plurality-enabled minority wins have also long been commonplace in congressional elections.<sup>130</sup> Between

126 Bronner and Rakich, *Advantage, GOP*.

127 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 (Jul. 15, 2021).

128 Edward G. Carmines, Michael J. Ensley and Michael W. Wagner, *Ideological Heterogeneity and the Rise of Donald Trump*, De Gruyter (Feb. 22, 2017).

129 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).

130 *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.

1992 and 2019, 49 senators from 27 states were elected by a minority.<sup>131</sup> 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 5 House races.<sup>132</sup> Given that the vast majority of primaries operate as *de facto* general elections<sup>133</sup> and in which only small fractions of the electorate vote,<sup>134</sup> plurality-enabled minority wins regularly propel candidates with thin bases of support to Congress.

## Strong factional support for one candidate defeated broadly distributed support for others.

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 tend to be more politically motivated,<sup>135</sup> research remains mixed as to whether these voters are in fact significantly more ideologically extreme.<sup>136 137</sup> Some research suggests that regardless, incumbents' *fear* of primary challengers incentivizes more extreme position-taking and rhetoric.<sup>138</sup> 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.<sup>139</sup> Primary challengers, who tend to be more ideologically extreme,<sup>140</sup> are likely catering to the latter.<sup>141</sup> 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.<sup>142</sup> The trends between the two populations—the general public and its representatives—“bear little resemblance to one other.”<sup>143</sup> 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

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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).

131 Jason Harrow and Victor Shi, *The magic of majority rule in elections*, The Hill (Aug. 16, 2019).

132 *Data on Ranked Choice Voting*, FairVote (2021).

133 As of 2020, “83% of congressional districts lean so Democratic or so Republican (‘safe’) that the only election of consequence is the primary election.” Unite America, *The Primary Problem*.

134 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. Unite America, *The Primary Problem*.

135 Pew Research, *Political Typology Reveals Deep Fissures on the Right and Left* (Oct. 24, 2017).

136 John Sides, Chris Tausanovitch, Lynn Vavreck and Christopher Warshaw, *On the Representativeness of Primary Electorates*, British Journal of Political Science (Mar. 13, 2018); Seth J. Hill, *Institution of Nomination and the Policy Ideology of Primary Electorates*, Quarterly Journal of Political Science (2015); David W. Brady, Hahrie Han and Jeremy C. Pope, *Primary Elections and Candidate Ideology: Out of Step with the Primary Electorate?*, Legislative Studies Quarterly (2007); Gary C. Jacobson, *The Electoral Origins of Polarized Politics: Evidence From the 2010 Cooperative Congressional Election Study*, American Behavioral Scientist (Oct. 19, 2012).

137 Some examples are nonetheless striking. For instance, the “Republican primary electorate that voted for challenger Lauren Boebert over incumbent Rep. Scott Tipton was nearly twice as likely (60%) to identify as ‘very conservative’ compared to general election voters (25%).” Unite America, *The Primary Problem*.

138 Elaine C. Kamarck and James Wallner, *Anticipating Trouble: Congressional Primaries and Incumbent Behavior*, Governance Studies at Brookings (Oct. 2018). 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 (Apr. 2014).

139 Jeffrey M. Jones, *Support for Third U.S. Political Party at High Point*, Gallup (Feb. 15, 2021).

140 Andrew B. Hall, *Who Wants to Run?*, The University of Chicago Press (2019).

141 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.” *Too Much Democracy Is Bad for Democracy*.

142 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 (2015).

143 Hill and Tausanovitch, *A Disconnect in Representation? Comparison of Trends in Congressional and Public Polarization*.

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: for example, tabulating voters’ single top-choice selection on ballots. However, such simplicity underperforms at revealing more complex preferences and reflecting underlying consensus across a diverse electorate.

In particular, the ordinal 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 (*Box 4: Categorical v. Ordinal Balloting (Stylized Race)*). 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.

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.

## Box 4: Categorical v. Ordinal Balloting (Stylized Race)<sup>144</sup>

| Candidates         | Share of Voters Ranking Candidate |                               |      |      |
|--------------------|-----------------------------------|-------------------------------|------|------|
|                    | Voters selecting as 1st Choice    | Of which ranked as 2nd choice |      |      |
|                    |                                   | A                             | B    | C    |
| <b>Candidate A</b> | 42%                               |                               | 60%  | 40%  |
| <b>Candidate B</b> | 33%                               | 0%                            |      | 100% |
| <b>Candidate C</b> | 25%                               | 0%                            | 100% |      |

|                    | Election Results         |                      |
|--------------------|--------------------------|----------------------|
|                    | 1st Round w/ Categorical | 2nd Round w/ Ordinal |
| <b>Candidate A</b> | 42%                      | 42%                  |
| <b>Candidate B</b> | 33%                      | 58%                  |
| <b>Candidate C</b> | 25%                      | n/a                  |

144 Adapted from Grant Tudor, *More Information is More Representation: An Argument for Ranked-Choice Voting*, Kennedy School Review (May 2, 2019).

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 Box 4 illustrates, Candidate A could plausibly lose given a lack of voters' second- and third-place preferences.<sup>145</sup>

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.<sup>146</sup> Similarly, in both 2010 and 2014, far-right candidate Paul LePage<sup>147</sup> won the race for Maine's governorship despite being widely regarded as a last choice for many, if not most, voters.<sup>148</sup>

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.<sup>149</sup> Analysts credited Cutler, a “spoiler,” for LePage's election.<sup>150</sup> 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.<sup>151</sup> In other words, in a head-to-head race between LePage and Michaud, LePage may well have lost.<sup>152</sup> In addition to rewarding an authoritarian-inclined candidate<sup>153</sup> with minority

support, a plurality rule with categorical ballots ignored a majority consensus: that most voters would likely have preferred Michaud over LePage.<sup>154</sup> The majority was stuck with its last-choice option.

**Categorical ballots made irrelevant a deeper consensus: that most Republican primary voters did not prefer Trump to win.**

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 third-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;<sup>155</sup> but reasonably, they opted not to vote for a potential spoiler, potentially exaggerating support for LePage. Research on strategic voting behaviors finds that voters often take a candidate's probability of winning into consideration and adjust their votes accordingly;<sup>156</sup> and that strategic voting is especially common with categorical ballots in plurality systems.<sup>157</sup> When voters engage in strategic

145 While Candidate B only enjoys top-place support from a third of this electorate, 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 the 25 percent of votes from Candidate C who preferred that B win instead of A. Here, Candidate B wins, representing a significantly greater cross-section of voters.

146 Maskin and Sen, *A Better Electoral System in Maine*; Andrew Douglas, Rob Richie, and Elliot Louthen, *Simulating Instant Runoff Flips Most Donald Trump Primary Victories*, FairVote (March 4, 2016).

147 Jess Bidgood, *How Controversial Is Gov. Paul LePage of Maine? Here's a Partial List*, The New York Times (Aug. 29, 2016).

148 Nate Silver, *FiveThirtyEight's Gubernatorial Forecasts: A Lot Of Really Close Races*, FiveThirtyEight (Oct. 31, 2014).

149 *Maine Election Results*, The New York Times (Dec. 17, 2014).

150 Bill Nemitz, *Eliot Cutler facing up to 'spoiler' label*, Portland Press Herald (Updated May 13 2014).

151 Sebastian Payne, *A majority of Maine's voters will probably vote against their governor. That may not matter.*, The Washington Post (Oct. 18, 2014).

152 Silver, *FiveThirtyEight's Gubernatorial Forecasts: A Lot Of Really Close Races*.

153 Derek Hawkins, *'We need a Donald Trump to show some authoritarian power,' says Maine governor*, The Washington Post (Oct. 12, 2016).

154 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.

155 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).

156 Pedro Riera, *Tactical Voting*, Oxford Handbook Online (May 2016).

157 Endersby and Shaw, *Strategic Voting in Plurality Elections: A Simulation of Duverger's Law*; William E. Gutowski and John P. Georges, *Optimal sophisticated voting strategies in single ballot elections involving three candidates*, Public Choice (Oct. 1993); Nuno A. M. Araújo, José S. Andrade Jr

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.<sup>158</sup> That some voters select far-right candidates may not, in fact, accurately reveal their true preferences.

Survey results consistently find that preferences across the American electorate remain multidimensional and overlapping.<sup>159</sup> Limiting the ability of voters to reveal more complex preferences at the ballot box may in turn be exaggerating the perceived support of more divisive and extreme options, and impairing the electoral system's ability to reflect underlying consensus across a diverse electorate.

## Blunting counterforces

Not only does the U.S. electoral system aggravate antidemocratic extremism. 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 single-member plurality structures outcomes and shapes political behaviors to disadvantage anti-extremism responses.

## 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 in which winners are decided by a simple plurality

typically produce two-party systems.<sup>160</sup> The electoral system's constituent rules—rather than the choices of any individual actors (e.g., concerted or well-funded third-party efforts)—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 incompatible with the single-member plurality system.

## The U.S. electoral system precludes new competition by design.

Two basic variables in the single-member plurality system interact to produce a two-party equilibrium.<sup>161</sup> 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." Voters perceive that smaller parties enjoy a lower likelihood of winning the single seat available, and in response avoid wasting their vote.<sup>162</sup> These two factors interact to generate a two-party system.<sup>163</sup> <sup>164</sup> Even if a majority of voters would, in fact, prefer a third-party option (and they do<sup>165</sup>), it will almost certainly not prevail. The barriers to entry for new competition in a single-member plurality system are fundamentally a function of its component rules.

and Hans J. Herrmann, *Tactical Voting in Plurality Elections*, PLoS ONE (Sep. 15, 2020).

158 Drutman, *American Democracy Can't Survive Unless the Far Right Is Marginalized. Here's How to Do It*.

159 Stephen Hawkins, Daniel Yudkin, Míriam Juan-Torres and Tim Dixon, *Hidden Tribes: A Study of America's Polarized Landscape*, More in Common (2018); Pew Research, *Beyond Red vs. Blue: The Political Typology* (Nov. 9, 2021).

160 Shaun Bowler, André Blais and Bernard Grofman, *Duverger's Law of Plurality Voting: The Logic of Party Competition in Canada, India, the United Kingdom and the United States*, Springer (2009).

161 Maurice Duverger, *Political parties: their organization and activity in the modern state*, John Wiley & Sons (1954).

162 Kenneth Benoit, *Duverger's Law and the Study of Electoral Systems*, French Politics (2006).

163 Maurice Duverger, *Political Parties, Their Organization and Activity in the Modern State*, John Wiley & Sons (1954); Rae, *The political consequences of electoral laws*; Taagepera and Shugart, *Seats and Votes: The Effects and Determinants of Electoral Systems*; Matthew M. Singer, *Was Duverger Correct? Single-Member District Election Outcomes in Fifty-three Countries*, Cambridge University Press (Aug. 20, 2012).

164 Because of the single seat limitation that prompts voters to avoid voting for a smaller party, district magnitude is predictive of the number of effective parties in an electoral system, with lower magnitudes producing fewer parties, and with the lowest—a magnitude of one—typically producing only two (although exceptions to this directional principle certainly exist, e.g., see Abigail L. Heller, *Duverger's Law and the Case of Great Britain*, *Journal of Undergraduate International Studies* (2012); Daniel Bochsler, *Duverger and the territory: explaining deviations from the two-party-competition-law*, *Journal of Elections, Public Opinion and Parties* (Sep. 9, 2019)).

165 Jones, *Support for Third U.S. Political Party at High Point*.

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.<sup>166</sup> This has helped to prevent entry of third-party and independent candidates in general elections.<sup>167</sup> Other ballot access rules similarly penalize non-major party candidates.<sup>168</sup> In Arizona, Republican and Democratic candidates require 6,000 valid signatures to get on a ballot; independents require 37,000.<sup>169</sup> Recently, New York increased from 50,000 to 130,000 the number of votes required for a third-party to keep its automatic ballot line.<sup>170</sup>

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 no option 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 for 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.<sup>171</sup> Margins have fluctuated somewhat since, though have remained comparably high. In 2020, more than four out of every five House races featured a margin of victory greater than 10 percent.<sup>172</sup> The number of “safe” seats nationally are expected to continue increasing.<sup>173</sup>

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 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.<sup>174</sup> 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.<sup>175</sup> 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.<sup>176</sup> Given that many lawmakers reasonably believe that adopting more extreme positions to outbid a primary challenger increases their

**Uncompetitive districts are structurally a function of single-member districts.**

<sup>166</sup> *Sore loser laws in the 50 states*, BallotPedia.

<sup>167</sup> 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. Katherine M. Gehl and Michael E. Porter, *The Politics Industry: How Political Innovation Can Break Partisan Gridlock and Save Our Democracy*, Harvard Business Review Press (Jun. 23, 2020).

<sup>168</sup> Gallagher and Mitchell, *The Politics of Electoral Systems*.

<sup>169</sup> Reed Galen, *How Republicans and Democrats prevent independent candidates from getting on the ballot*, NBC News (Apr. 17, 2018).

<sup>170</sup> Dana Rubinstein, *New York’s Working Families Party cleared the threshold to keep its automatic ballot line.*, The New York Times (Nov. 4, 2020).

<sup>171</sup> FairVote, *The Untouchables* (2006).

<sup>172</sup> *Election results, 2020: Congressional elections decided by 10 percentage points or fewer*, BallotPedia (Updated Feb. 8, 2021).

<sup>173</sup> Ashlyn Still, Harry Stevens and Kevin Uhrmacher, *Competitive House districts are getting wiped off the map*, The Washington Post (Nov. 23, 2021).

<sup>174</sup> *Margin-of-victory (MOV)*, Ballotpedia.

<sup>175</sup> Corey Lang and Shanna Pearson-Merkowitz, *Partisan sorting in the United States, 1972–2012: New evidence from a dynamic analysis*, Political Geography (Sep. 2015); LegBranch Team, *No, gerrymandering is not THE cause for non-competitive congressional elections and legislative polarization*, LegBranch (Jan. 5, 2018).

<sup>176</sup> Kamarck and Wallner, *Anticipating Trouble: Congressional Primaries and Incumbent Behavior*.

likelihood of success,<sup>177</sup> 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? As Lee Drutman observes, after some wide-enough margin, “there’s no point in investing in party building.”<sup>178</sup> When one of only two parties withdraws, competition further weakens. Consider Representative Lauren Boebert (R-CO),<sup>179</sup> who secured her primary win with roughly 10 percent of her district’s voters.<sup>180</sup> 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,<sup>181</sup> nor has it been for a decade.<sup>182</sup>

As far-right extremists continue a takeover of today’s Republican Party, they are therefore also increasingly insulated from interparty competition. The absence of meaningful political competition suggests an absence of meaningful pressure that might incentivize the current Republican Party to moderate its far-right lurch.

Finally, a competitive political 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. This spring, the joint nominee of a six-party opposition coalition will challenge Victor Orbán, Hungary’s far-right leader;<sup>183</sup> and in the Czech Republic’s recent national elections, a diverse coalition of both left and center-right parties defeated the ruling populist party.<sup>184</sup> Elsewhere across Europe, far-right parties are being challenged or marginalized by various coalitions, often led by the center-right.<sup>185</sup> By definition, however, strict two-party systems 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 anti-democratic party cannot survive long as a democracy.”<sup>186</sup>

## 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 single-member plurality in particular disadvantage these voters, impairing fair representation that might otherwise act as a bulwark against extremism. 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.”<sup>187</sup> Across the U.S., minority votes often do not proportionally translate into seats.

**The nonproportional outcomes generated by single-member plurality in particular disadvantage minority voters.**

Consider, again, the winner-take-all nature of single-member plurality systems responsible for nonproportional results. For example, 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

177 Ibid.

178 Drutman, *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America*.

179 Luke Broadwater and Matthew Rosenberg, *Republican Ties to Extremist Groups Are Under Scrutiny*, The New York Times (Updated Jun. 10, 2021).

180 *Lauren Boebert*, BallotPedia (2021).

181 *DCCC Announces 2021-2022 Districts In Play*, Democratic Congressional Campaign Committee (Apr. 6, 2021).

182 *Colorado’s 3rd Congressional District*, BallotPedia (2021).

183 Euronews, *Hungary’s opposition chooses conservative Peter Márki-Zay to run against Orbán next spring* (Oct. 18, 2021).

184 Tait, *Czech PM’s party loses election to liberal-conservative coalition*.

185 Nick Ottens, *Swedish Center-Right Adapts to Rise of Far Right*, Atlantic Sentinel (Dec. 11, 2019).

186 Drutman, *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America*.

187 David Wasserman, *Is It Time to Rethink Hyper-Minority Districts?*, The Atlantic (Sep. 20, 2021).

of Oklahoma’s five safe Republican seats.”<sup>188</sup> Under a proportional system with multi-member districts, these voters would be more likely to secure seats in proportion to 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.<sup>189</sup>

Box 5 illustrates these disparities in various states where there are much lower proportions of Black elected officials than there are proportions of Black voters in the electorate. Of course, Black voters do not homogeneously vote for Black candidates. However, such severe disparities in descriptive representation can nonetheless be in 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 the vast majority of 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.”<sup>190</sup> 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 significant share of the population.<sup>191</sup> 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.<sup>192</sup>

Consider that Georgia’s 14th congressional district, represented by Majorie Taylor-Green (R), is a quarter non-white;<sup>193</sup> Mississippi’s 1st congressional district, represented by Trent Kelly (R), is a third non-white;<sup>194</sup> and Alabama’s second congressional district, represented by Barry Moore (R), is 40 percent non-white.<sup>195</sup> While not a monolithic voting bloc,<sup>196</sup> non-white populations in the South overwhelmingly favor Democratic candidates.<sup>197</sup> And yet in these various cases where non-white populations do not constitute an absolute majority, they enjoy no pathway to elect a single candidate of their choosing due to their “inefficient” spatial concentration across single-member districts.

As one solution, majority-minority single-member districts have historically been intentionally drawn—affirmatively gerrymandered—to increase the likelihood of racial and ethnic minority representation.<sup>198</sup> 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 the state’s delegation. Yet while one in seven representatives from South Carolina is Black, one in four South Carolinians is Black. Outcomes remain

188 Andrew Spencer, Christopher Hughes and Rob Richie, *Escaping the Thicket: The Ranked Choice Voting Solution to America’s Districting Crisis*, Cumberland Law Review (Jun. 22, 2016).

189 Ibid.

190 Norris, *Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems*.

191 Spencer, Hughes and Richie, *Escaping the Thicket: The Ranked Choice Voting Solution to America’s Districting Crisis*.

192 Ibid.

193 *Congressional District 14 (117th Congress), Georgia*, United States Census Bureau (2019).

194 *Congressional District 1 (117th Congress), Mississippi*, United States Census Bureau (2019).

195 *Congressional District 2 (117th Congress), Alabama*, United States Census Bureau (2019).

196 Theodore R. Johnson, *Don’t Fall for the Mythic ‘Black Voter’ Analysis After South Carolina*, The Brennan Center (Feb. 28, 2020).

197 Renuka Rayasam, *The Southern state where Black voters are gaining in numbers, but not power*, Politico (Jan. 2, 2021).

198 Galen Druke, *Is Gerrymandering The Best Way To Make Sure Black Voters Are Represented?*, FiveThirtyEight (Dec. 14, 2017). (Thornburg v. Gingles “established that where racially polarized voting is present, it is illegal to dilute minority residents’ voting power, either intentionally or unintentionally. States across the South then drew new majority-minority districts to ensure that black voters could elect their candidates of choice.”)



## Box 5: Dilution of Minority Voting Power

| In...          | Black voters constitute... | While Black candidates secure... <sup>199</sup> |
|----------------|----------------------------|---|
| Louisiana      | 29.9% of the vote          | 16.6% of the seats                              |
| Alabama        | 24.7% of the vote          | 14.4% of the seats                              |
| South Carolina | 26.3% of the vote          | 14.4% of the seats                              |

severely nonproportional for the state’s Black population.

The benefits and drawbacks of affirmative gerrymandering have been widely debated. For example, it has helped to guarantee *some* racial and ethnic minority representation in states where such populations do not constitute an absolute majority. 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. Majority-minority districts thus often “waste” substantial shares of minority votes by “packing” minorities into districts.<sup>200</sup>

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.<sup>201</sup> 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.<sup>202</sup> Although Mississippi has the highest percentage of Black people in the

199 Calculated as the fraction of House representatives from a state’s delegation who are Black.

200 Grant M. Hayden, *Resolving the Dilemma of Minority Representation*, California Law Review (2004). (“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 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.”) See also, Charles Cameron, David Epstein and Sharyn O’Halloran, *Do Majority-Minority Districts Maximize Substantive Black Representation in Congress?*, The American Political Science Review (Dec. 1996); L. Marvin Overby and Kenneth M. Cosgrove, *Unintended Consequences? Racial Redistricting and the Representation of Minority Interests*, The Journal of Politics (May 1996); Wasserman, *Is It Time to Rethink Hyper-Minority Districts?*

201 *Mississippi’s 2nd Congressional District*, Ballotpedia (2021).

202 Aside from its limitations with respect to increasing minority representation to more closely align with minority populations’ vote-share, affirmative gerrymandering 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*. 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: “the efficacy of single-member districts is especially questionable in the case of low turnout... Districts near 50% can prove ineffective if

country at nearly 40 percent, nearly all of whom vote for Democratic candidates, only one of its four House representatives is Black (and a Democrat).<sup>203</sup>

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 single-member plurality systems feature “a good-versus-evil kind of feud”<sup>204</sup> between two camps—one in which “any and every issue can be channeled into an us-versus-them conflict between warring factions.”<sup>205</sup> 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,” and that animosity is intensified in countries, including the U.S., which feature “electoral systems with low district magnitudes,” or winner-take-all elections. Meanwhile,

**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.**

greater proportionality in electoral systems corresponds with lower levels of animosity.<sup>206</sup> Lee Drutman observes that

This 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.<sup>207 208</sup>

In this context, among political leaders and voters, defeating the opposition takes clear priority over addressing extremism within one’s group. During the

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the minority group has low relative turnout, which means that drawing effective districts requires a good understanding of the turnout in different parts of the jurisdiction.” Gerdus Benade, Ruth Buck, Moon Duchin, Dara Gold and Thomas Weighill, *Ranked Choice Voting and Minority Representation* (Feb. 2, 2021).

203 Rayasam, *The Southern state where Black voters are gaining in numbers, but not power*.

204 Amanda Ripley, *High Conflict: Why We Get Trapped and How We Get Out*, Simon & Schuster (Apr. 6, 2021).

205 Hawkins, Yudkin, Juan-Torres and Dixon, *Hidden Tribes: A Study of America’s Polarized Landscape*.

206 Noam Gidron, James Adams and Will Horne, *American Affective Polarization in Comparative Perspective*, Cambridge University Press (2020).

207 Lee Drutman, *Why The Two-Party System Is Effing Up U.S. Democracy*, FiveThirtyEight (Jun. 16, 2021).

208 The degree of affective polarization in the U.S. is markedly more severe than in other democracies that also use a single-member plurality 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 (May 2019). 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 single-member plurality may be mitigated by other important variables. *Why The Two-Party System Is Effing Up U.S. Democracy*.

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.<sup>209</sup> 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.<sup>210</sup> 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.<sup>211</sup>

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].<sup>212</sup>

The psychology of two-camp conflict presumes that those who are not with “us” are with “them,” justifying efforts to purge in-group moderates.<sup>213</sup> 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.<sup>214</sup> Recent attempts to strip conservative officials, such as Representative Liz Cheney, of Republican Party membership illustrate an escalation of in-group policing and retribution.<sup>215</sup>

**The psychology of two-camp conflict presumes that those who are not with 'us' are with 'them,' justifying efforts to purge in-group moderates.**

Binary conflict may generally advantage authoritarian populists who frame political disputes in stark us-versus-them terms.<sup>216</sup> But 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 towards authoritarianism. But its specific design choices are escalating the threat and impairing efforts to counteract it. While the use of single-member plurality 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,

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

210 Alan I. Abramowitz and Steven Webster, *The rise of negative partisanship and the nationalization of U.S. elections in the 21st century*, Electoral Studies (Mar. 2016); Ezra Klein, *Why We’re Polarized*, Simon & Schuster (Jan. 28, 2020).

211 Sarlin, *United States of Trump*.

212 Nichole Argo Ben Itzhak, Rachel Brown, Heather Hurlburt, Laura Livingston and Samantha Owens, *Building U.S. Resilience to Political Violence A Globally Informed Framework for Analysis and Action*, Over Zero and New America (Dec. 2019).

213 Aamer Madhani, *Trump turns virus conversation into ‘US vs. THEM’ debate*, AP News (Jun. 19, 2020).

214 James Arkin, *Trump endorses Murkowski challenger*, Politico (Jun. 18, 2021); Teaganne Finn, *House Freedom Caucus wants Cheney, Kinzinger kicked out of Republican conference*, NBC News (Jul. 29, 2021); Ewan Palmer, *How Donald Trump Is Purging GOP of Those Who Voted to Impeach: ‘2 Down, 8 To Go!’*, Newsweek (Nov. 18, 2021).

215 *Wyoming GOP votes to stop recognizing Cheney as a Republican*, AP News (Nov. 15, 2021).

216 Cas Mudde and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction*, Oxford University Press (Feb. 2017), (who 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.”).

minority representation, voter engagement, and so forth<sup>217</sup>—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.

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217 Shaun Bowler, David M. Farrell and Robin T. Pettitt, *Expert opinion on electoral systems: So which electoral system is “best”?*, (2005).

A photograph of a person sitting on the wide stone steps of a classical building with tall columns. The scene is bathed in a deep red light, suggesting a sunset or sunrise. The sky is a gradient of red and orange. The person is wearing a light-colored shirt and dark pants, sitting on one of the steps. The building's facade is composed of many tall, fluted columns. The overall mood is contemplative and hopeful.

**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<sup>218</sup> and delegitimizing elections they lose nonetheless—including through violence if necessary.<sup>219</sup>

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.<sup>220</sup>

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

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 autocrats will lock-in their gains. In what ways, then, might the U.S. begin to structurally halt, and reverse, its slide towards authoritarianism?

\* \* \*

Electoral systems are neither neutral nor immutable.

They are a set of policy choices; and in the U.S. context, many of those choices are constitutionally delegated to the discretion of lawmakers.

Indeed, efforts to redesign electoral systems are already on vivid 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 in the past four years.<sup>221</sup>

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, and electoral formulas, among other features of its system. 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 elections. 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.<sup>222</sup>

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—but nearly all eventually repealed it “due to fears that [it] empowered ‘undesirable’ racial and political minorities,” such as Black Americans and third parties.<sup>223</sup> 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

218 States United Democracy Center, Protect Democracy and Law Forward, *Democracy Crisis in the Making: How State Legislatures are Politicizing, Criminalizing, and Interfering with Elections*.

219 Daniel A. Cox, *After the ballots are counted: Conspiracies, political violence, and American exceptionalism*, Survey Center on American Life (Feb. 11, 2021); Rachel Kleinfeld, *The Rise of Political Violence in the United States*, Journal of Democracy (Oct. 2021); Jill Colvin, *GOP leaders say little to condemn violent political rhetoric*, AP News (Nov. 12, 2021).

220 Levitsky and Way, *The New Competitive Authoritarianism*.

221 Drew Desilver, Carrie Blazina, Janakee Chavda and Rebecca Ann Leppert, *More U.S. locations experimenting with alternative voting systems*, Pew Research (Jun. 29, 2021).

222 Michael J. Dubin, *United States Congressional elections, 1788-1997: the official results of the elections of the 1st through 105th Congresses*, McFarland & Company (1998).

223 Desilver, Blazina, Chavda and Leppert, *More U.S. locations experimenting with alternative voting systems*.

break the chokehold of single-party rule.<sup>224</sup> Electoral systems have changed here, as elsewhere, in response to socio-political pressures.

A taxonomy of reform options broadly and an assessment of their evidenced or possible effects are beyond the scope of this paper.<sup>225</sup> But certain reforms—changes to the basic machinery of the electoral system, including those to district magnitude, ballot structure, and electoral formula—can illustrate how electoral system changes may have especially germane implications for mitigating antidemocratic extremism. The below briefly examines example changes to each core component, including ranked-choice voting (*ballot structure* and *electoral formula*) and multi-member districts (*district magnitude*), and provides a synopsis of reforms to congressional primaries.

First, various U.S. jurisdictions have implemented ranked-choice voting (RCV) as an alternative to plurality voting.<sup>226</sup> Under RCV, also known as “preferential voting,” voters rank their preferences (1st, 2nd, 3rd...) on an ordinal ballot in lieu of a categorical ballot—a change to ballot structure. To win, a candidate requires an absolute majority of ballots rather than a simple 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 continues until one candidate crosses the majority threshold.<sup>227</sup> (In single-winner races, RCV therefore relies on a majority electoral

formula; in multi-winner races, a proportional formula would be required.)

RCV may help to address the phenomenon of plurality wins in U.S. elections that tend to reward more coherent factions. Because RCV “privileges majorities over pluralities”<sup>228</sup>—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.”<sup>229</sup> Particularly because candidates may require voters to list them as lower-order preferences, they become reciprocally dependent on voters beyond their most partisan constituencies. This may in turn carry implications for mitigating extremism. For instance, research on its introduction in Northern Ireland observed “direct incentives for the major parties to moderate their positions in the hope of attracting lower-order preference votes from moderate voters, pulling Sinn Féin away from violence and toward less extreme policy positions.”<sup>230</sup> In the U.S., the requirement to secure a majority may be especially compelling in primary elections “given their often large, unwieldy fields of often polarizing candidates... [who] can often win with a small fraction of the total vote.”<sup>231</sup> As one review of evidence concludes, the use of RCV to date affirms “expectations that [it] can have a moderating effect on primaries, or at least have the effect of blocking the path of more polarizing candidates who might have enough base support to win under plurality rules.”<sup>232</sup>

224 *Pennsylvania*, FairVote (2021).

225 Comprehensive taxonomies are available elsewhere. See, e.g., FairVote, *Comparative Structural Reform: Assessing the Impact of 37 Structural Reforms* (Jan. 2016).

226 While the single-member plurality system is dominant across the U.S., 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.

227 Of note, ranked-choice has taken a range of forms in the U.S. Jack Santucci, *Variants of Ranked-Choice Voting from a Strategic Perspective*, Politics and Governance (Jun. 2021).

228 Matthew R. Massie, *Upending Minority Rule: The Case for Ranked-Choice Voting in West Virginia*, West Virginia Law Review (Sep. 2019).

229 Reilly, *Electoral Systems for Divided Societies*. Relatedly, Reilly argues that preferential voting promotes “the development of centrist, aggregative, and multiethnic political parties or coalitions of parties that are capable of making crossethnic appeals and presenting a complex and diverse range of policy options to the electorate.”

230 Reilly, *Electoral Systems for Divided Societies*. (“The possibility of picking up lower-order transfers was instrumental, for example, in moving Sinn Féin away from violence... This movement was rewarded by moderation-inclined voters—as the increased flow of lower order preferences to Sinn Féin from more centrist nationalist parties.”) In the U.S., research on candidate rhetoric and voter engagement under RCV has fit this trend. Sarah John and Andrew Douglas, *Candidate Civility and Voter Engagement in Seven Cities with Ranked Choice Voting*, National Civic Review (2017). Both voters and candidates report a reduction in negative campaigning, particularly when compared to plurality voting. Andrew Douglas, *Ranked Choice Voting and Civility: New Evidence from American Cities*, FairVote (Apr. 2014); Todd Donovan, Caroline Tolbert and Kellen Gracey, *Campaign civility under preferential and plurality voting*, Electoral Studies (Jun. 2016). The substance of campaigning may also be affected, such as an increased focus on policy issues. Denise Robb, *The Effect of Instant Runoff Voting on Democracy* (2011).

231 Lee Drutman and Maresa Strano, *What We Know About Ranked Choice Voting*, New America (Nov. 2021). See also, Unite America Institute, *Ranked Choice Voting: The Solution to the Presidential Primary Predicament* (Jun. 2020).

232 Drutman and Strano, *What We Know About Ranked Choice Voting*.

**Particularly because candidates may require voters to list them as lower-order preferences, they become reciprocally dependent on voters beyond their most partisan constituencies.**

Because RCV employs ordinal ballots that “allow the voter to express a more complex, equivocal preference,”<sup>233</sup> it may help to reveal greater areas of consensus across a diverse electorate. For instance, 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.<sup>234</sup> Using only a plurality of voters’ top-choice preferences to determine winners precluded this underlying consensus across the electorate. By better revealing voter preferences, RCV may help to facilitate electoral compromises.

RCV may also help to foster an “arena of bargaining” that facilitates temporary coalition-building between candidates and parties, including to mitigate extremist threats.<sup>235</sup> For example, in response to the rise of the One Nation Party, a far-right nativist party in Australia,<sup>236</sup> the major center-right and center-left parties “instructed their supporters to place Hanson [One Nation’s leader] last when marking their ballot.” Although Hanson received the highest number of first preferences (36 percent), she received few second- or -third choice votes, resulting in her loss. As Benjamin Reilly observes, “under a plurality system Hanson would almost certainly have beaten a divided field of more moderate candidates.”<sup>237</sup> Generally, “the most important consequence of the use of preferential voting in Australia... [has been] the institutionalization of negotiations between... parties for second-preference support.”<sup>238</sup> As reviewed below, however, this cross-partisan electoral bargaining presupposes a system with multiple viable parties.

Second, RCV illustrates a change to ballot structure and electoral formula, but not district magnitude. 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<sup>239</sup> are used to produce more proportional results<sup>240</sup> such

233 Rae, *The political consequences of electoral laws*.

234 Maskin and Sen, *A Better Electoral System in Maine*; Douglas, Richie, and Louthen, *Simulating Instant Runoff Flips Most Donald Trump Primary Victories*.

235 Reilly, *Electoral Systems for Divided Societies*.

236 During the 1990s, the One Nation party “campaigned on a platform of ending immigration, removing benefits and subsidies to Aborigines and other disadvantaged groups, drastically cutting taxes, raising tariffs, ending all foreign aid, and removing Australia from international bodies such as the United Nations.” Reilly, *Electoral Systems for Divided Societies*.

237 Reilly, *Electoral Systems for Divided Societies*.

238 Benjamin Reilly, *Three distinctive aspects of Australian elections: compulsory, preferential, and independent*, Murdoch University.

239 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*, *The American Political Science Review* (Dec. 1955). 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 Zagari, *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* (Sep. 1, 1964). 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 9 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*.

240 Multi-member districts are a necessary but not sufficient 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 districts were used in at-large elections, which maintain a plurality or majority electoral formula, allowing 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. Thus, larger district magnitudes combined with winner-take-all elections can produce the opposite of proportional results. This was in part why Congress mandated the use of single-member districts for congressional elections in 1967 with the Uniform Congressional District Act. Our Common Purpose, *Reinventing American Democracy for the 21st Century*.



that a greater number of voters are able to elect a representative of their choosing.<sup>241</sup> (This holds true when used with a proportional electoral formula.<sup>242</sup>)

Among the most direct implications of more proportional representation is a weakening of the current “seat bonus” that favors one party over the other. By better bringing total seats in line with total votes, more proportional allocations would significantly lessen the institutionalized bias in legislative elections that exaggerates one party’s electoral wins. District magnitude is the principal electoral lever to eliminate this structural bias. (While gerrymandering has exacerbated the bias, it is not a sufficient explanation. A significant enough increase in district magnitude would also functionally eliminate gerrymandering. See *Box 6: Gerrymandering & Single-Member Districts.*) Greater proportionality in results would likewise help to remedy the dilution of minority voting power endemic to winner-take-all elections, and in turn obviate the need for affirmative gerrymandering. Indeed, research consistently finds that multi-winner races increase representation of minority and otherwise underrepresented groups in government.<sup>243</sup> One simulation of multi-member districts (and using

ranked-choice voting) for the House of Representatives 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.<sup>244</sup>

**By better bringing total seats in line with total votes, more proportional allocations would significantly lessen the institutionalized bias that exaggerates one party’s electoral wins.**

241 To illustrate, consider that in a single-member district a winner with 51 percent of the vote currently “wins” 100 percent of the district. Even if ranked-choice voting may have helped to ensure a majority win, the outcome is nonetheless winner-take-all. By contrast, in a two-member district, a second candidate who secured, say, 40 percent would also join the delegation—more equally allocating seats to votes. As a general principle, a greater district magnitude gives more voters a representative in government of their choosing. Rae, *Using District Magnitude to Regulate Political Party Competition*; Arend Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, Yale University Press (1984).

242 For example, in multi-member districts where voters are electing candidates (rather than parties) through preferential voting, the “Droop quota” electoral formula may be used to proportionally allocate seats while ensuring the correct number of candidates get elected for each constituency. “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).” Farrell, *Electoral Systems: A Comparative Introduction*.

243 For example, in a simulation of multi-member districts in Pennsylvania with tens of randomly generated maps, each district “closely matched the state on key demographic categories, such as age, education, income levels, race, urban or rural.” Fowler and Fowler, *Here’s a different way to fix gerrymandering*. See also, Duchin, Gold and Weighill, *Ranked Choice Voting and Minority Representation*; Robert Richie, Douglas Amy and Frederick McBride, *How Proportional Representation Can Empower Minorities and the Poor*, FairVote. It is also well established that women are consistently more likely to hold elected office in multi-winner races, with evidence drawn from both the U.S. and international experience. Wilma Rule, *Women’s Underrepresentation and Electoral Systems*, PS: Political Science and Politics (Dec. 1994); Shaun Bowler, Todd Donovan and David Brockington, *Electoral Reform and Minority Representation: Local Experiments with Alternative Elections*, Political Science Faculty Publication (1998); Dania Korkor, *Remedies in Voting Rights Cases Could Create New Election Opportunities for Women*, FairVote (May 11, 2015); Richard E. Matland and Donley T. Studlar, *The Contagion of Women Candidates in Single-Member District and Proportional Representation Electoral Systems: Canada and Norway*, *The Journal of Politics* (Aug. 1996). Among U.S. state legislatures, the positive effects on female representation from increased district magnitudes have been significant, whereas single-member districts have tended to negatively bias female candidates, and especially Black female candidates. James D. King, *Single-Member Districts and the Representation of Women in American State Legislatures: The Effects of Electoral System Change*, *State Politics & Policy Quarterly* (2002); Richard E. Matland and Deborah Dwight Brown, *District Magnitude’s Effect on Female Representation in U.S. State Legislatures*, *Legislative Studies Quarterly* (Nov. 1992); Nicholas Pyeatt and Alixandra B. Yanus, *Shattering the Marble Ceiling: A Research Note on Women-Friendly State Legislative Districts*, *Social Science Quarterly* (May 31, 2016); Michael J. Horan, *The 1992 Reapportionment Law: The Demise of the Multi-Member District System and Its Effect upon the Representation of Women in the Wyoming Legislature*, *Land and Water Law Review* (1999); R. Darcy, Charles D. Hadley and Jason F. Kirksey, *Election Systems and the Representation of Black Women in American State Legislatures*, *Women & Politics* (Oct. 26, 2008).

244 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. FairVote, *The Fair Representation Act in Your State*. Steven Mulroy offers a more expansive overview of the simulation’s findings in *Rethinking US Election Law: Unskewing the System* pgs. 143-145. These findings are consistent with other simulations of single transferable vote in the U.S. that observe how the system “tend[s] to elect POC candidates of choice in proportion to POC population.” Benade, Buck, Duchin, Gold and Weighill, *Ranked Choice Voting and Minority Representation*.

## Box 6: Gerrymandering & Single-Member Districts

There are two explanations for electoral biases structurally favoring one party over the other in the 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.”<sup>245</sup>

The second, single-member districts, is a “less nefarious” but no less consequential source of structural bias. As explained above, the spatial distribution of partisans uniquely matters in single-member districts. The dynamic described by Eubank and Rodden is again at play, but occurs absent partisan intent: Democrats tend to be spatially clustered (“packed”) in urban areas whereas Republicans are distributed across suburbs and rural areas, winning by narrower margins but “wasting” fewer votes. This allows them to secure more seats than correspond to votes. Both gerrymandering and single-member districts therefore play important roles in generating a structural bias.<sup>246</sup>

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,<sup>247</sup> 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.”<sup>248</sup> In effect, “independent commissions are hamstrung by the single-winner model itself.. the commissions serve as canaries in a coalmine, alerting us to the fundamental incompatibility of single-member districts with a robust, flexible, and representative democracy.”<sup>249</sup> As Steven Mulroy observes, “As long as you have [single-member districts], you will have gerrymandering,” even if “unintentional.”<sup>250</sup>

Multi-member districts weaken both sources of structural bias, not only minimizing the biases generated by single-member districts, but also mooted partisan gerrymandering.<sup>251</sup> Multi-winner races (with a proportional electoral formula) would effectively end the practice, given that drawing districts to advantage one party at the expense of another becomes “prohibitively difficult.”<sup>252</sup> Of note, 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.” Comparative research examining gerrymandering across 54 democracies likewise finds that winner-take-all systems (with single-member districts) are significantly more prone to gerrymandering than more proportional ones (with multi-member districts).<sup>253</sup>

245 Eubank and Rodden, *Who Is My Neighbor? The Spatial Efficiency of Partisanship*.

246 Ibid.

247 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 (Sep. 17, 2019); PlanScore, *2012-2020 Redistricting Plan: California*, Campaign Legal Center (2020); Josh Goodman, *Why Redistricting Commissions Aren't Immune From Politics*, The PEW Charitable Trust (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).

248 Spencer, Hughes and Richie, *Escaping the Thicket: The Ranked Choice Voting Solution to America’s Districting Crisis*.

249 Ibid.

250 Mulroy, *Rethinking US Election Law: Unskewing the System*.

251 Dan Eckam, *How multimember districts could end partisan gerrymandering*, The Fulcrum (Sep. 24, 2020).

252 Spencer, Hughes and Richie, *Escaping the Thicket: The Ranked Choice Voting Solution to America’s Districting Crisis*.

253 Coma and Lago, *Gerrymandering in comparative perspective*.

Multi-member districts would also open elections to greater intraparty competition. Whereas “access to the ballot is a zero-sum game in single-member districts, in multi-member districts multiple candidates—from the same political party—can occupy a place on the ballot.”<sup>254</sup> Brian Crisp and Scott Desposato observe that in single-member districts, “incumbents only compete with challengers who often lack experience, funding, and other perks necessary to pose a real threat. In multi-member districts, incumbents have to face other incumbents in the same district,” including co-partisans.<sup>255</sup> “These incumbents all have access to significant political resources and are well prepared to compete for votes.” For instance, even in a district currently dominated by the Republican Party and represented by a far-right official, a district magnitude of two or greater would likely create space for a pro-democracy conservative candidate to compete for a seat.

Multi-member districts could likewise restore meaningful interparty competition, or competition between the two major parties, given that “no candidate after all has a safe seat.”<sup>256</sup> In effect, multi-member districts weaken the phenomenon of “safe” and “swing” districts. Given that relatively “safe” 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.<sup>257</sup> Consider a district that was previously split 55/45 between Republicans and Democrats and thus considered uncompetitive. With a district magnitude of two or greater, it would likely send one delegate of each party to Congress. Voters would not need to “live in ‘swing’ districts for their votes to matter” and “elections do not come down to a limited number [of such districts].”<sup>258</sup> Indeed, the simulation referenced above observed an increase in the number of congressional districts with an unpredictable electoral outcome from 15 percent to 43 percent.<sup>259</sup>

Further, and perhaps most profoundly, multi-member districts create space for additional parties. As proportionality increases,<sup>260</sup> so too do opportunities for more parties representing more constituencies to contest more seats.<sup>261</sup> For instance, whereas the U.S. electoral system’s strict two-party system by design precludes electorally competitive third (or fourth, or fifth) parties, multi-member districts would permit, say, a new center-right party to contest the far-right and give “center-right voters a meaningful home”;<sup>262</sup> or, instead, may create opportunities to restore a pro-democracy Republican Party while relegating the far-right to its own minority party.<sup>263</sup> Certainly, how political leaders and voters would assemble and compete with more flexibility is uncertain.<sup>264</sup> But opportunities would nonetheless expand.

254 Meredith Conroy and Amelia Thomson-DeVeaux, *The Way Most States Elect Candidates Isn’t Very Good for Women*, FiveThirtyEight (Jan. 29, 2020).

255 Brian F. Crisp and Scott W. Desposato, *Constituency Building in Multimember Districts: Collusion or Conflict?*, *The Journal of Politics* (Feb. 2004).

256 John Curtice and W. Phillips Shively, *Who Represents Us Best? One Member or Many?*, Oxford University Press (2009).

257 *U.S. House battlegrounds, 2020*, Ballotpedia (Updated Jan. 26, 2021).

258 Drutman, *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America*.

259 FairVote, *The Fair Representation Act in Your State*.

260 Rae, *Using District Magnitude to Regulate Political Party Competition*; Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*.

261 In various countries with 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 more 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* (Feb. 1, 2011).

262 Drutman, *American Democracy Can’t Survive Unless the Far Right Is Marginalized. Here’s How to Do It*.

263 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* (Oct. 1996). However, in this context, far-right movements have been more likely to form their own parties (a “safety valve”) rather than take over one of the two 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* (Jan. 2009). 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*.

264 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*

## Multi-member districts weaken the phenomenon of 'safe' and 'swing' districts.

More viable parties in turn create space for cross-partisan coalition building in elections and legislatures,<sup>265</sup> which may be especially relevant in the context of party responses to extremist movements. In various advanced 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,<sup>266</sup> the Netherlands’ PVV,<sup>267</sup> and Finland’s National Coalition Party.<sup>268</sup> In Israel this June, for instance, a right-leaning coalition brokered alliances with parties across the ideological spectrum to oust Benjamin Netanyahu’s Likud from power.<sup>269</sup> A more proportional electoral system that permits more parties is likely to open 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 party system that permits these voters to coalesce against extremism.

Third, while ranked-choice voting and multi-member districts touch on the core components of electoral systems generally, 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.<sup>270 271</sup>

Nonpartisan top-four primaries 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. 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.”<sup>272</sup> Because multiple candidates move through to the next election, including candidates of the same party, the reform may help to minimize both the real and—perhaps more importantly—perceived threat of primary challengers. However, empirical research assessing effects is not yet available.

In light of their absence elsewhere, “primaries are clearly not a necessary ingredient for democracy.”<sup>273</sup> Given that the major U.S. political parties are some of the weakest among advanced democracies;<sup>274</sup> that party control over nominations would very likely “lead to more professionalized party organizations”;<sup>275</sup> and the scholarly consensus that strong parties are a bedrock of strong democracies,<sup>276</sup> elimination of primaries

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York Times (Sep. 8, 2021).

265 Coalitional politics are a defining feature of multi-party 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* pgs. 232-235.

266 *Germany coalition deal: Merkel set to lead fourth government*, BBC (Mar. 4, 2018).

267 Koen Damhuis, *Dutch elections: Mark Rutte wins another term but fragmented results mask continuing popularity of the far right*, The Conversation (Mar. 19, 2021).

268 Richard Milne, *True Finns split holds lesson for Europe’s populists*.

269 Patrick Kingsley, Isabel Kershner and Adam Rasgon, *Wide-Ranging Israel Coalition Reaches Deal to Form Government*, The New York Times (Updated Jul. 4, 2021).

270 Lee Drutman, *What We Know about Congressional Primaries and Congressional Primary Reform*, New America (Updated Jul. 1, 2021).

271 There are, of course, exceptions. For example, California observed some increase in intra-party competition after switching to nonpartisan top-two primaries, in which the top-two vote-getters (regardless of party) move on to the general election. Benjamin Highton, Robert Huckfeldt and Isaac Hale, *Some General Election Consequences of California’s Top-Two Primary System*, The California Journal of Politics & Policy (Mar. 17, 2016).

272 Drutman, *What We Know about Congressional Primaries and Congressional Primary Reform*.

273 Arend Lijphart, *Polarization and Democratization*, Prepared for the Workshop on “Solutions to Political Polarization in the United States,” Hewlett Foundation (October 17-18, 2013).

274 Frances McCall Rosenbluth and Ian Shapiro, *Political partisanship is vicious. That’s because political parties are too weak.*, The Washington Post (Nov. 28, 2018); Steven Levitsky and Daniel Ziblatt, *How Democracies Die*, Penguin Random House (Jan. 8, 2019); Mike Cummings, *Polarization in U.S. politics starts with weak political parties*, Yale News (Nov. 17, 2020).

275 Drutman, *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America*.

276 Didi Kuo, *Are Strong Parties the Answer?*, Journal of Democracy (Jul. 2019); Russell J. Dalton, David M. Farrell and Ian McAllister, *Political Parties and Democratic Linkage: How Parties Organize Democracy*, Oxford University Press (2011); Daniel I. Weiner and Ian Vandewalker, *Stronger Parties, Stronger Democracy: Rethinking Reform*, The Brennan Center (Sep. 16, 2015); Larry Diamond and Richard Gunther, *Political Parties and Democracy*,

## Box 7: Enlarging the House of Representatives

Often coupled with recommendations to establish 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.<sup>277</sup>

The Framers prescribed a standard of 30,000 constituents per representative and intended that the House would regularly grow to maintain the ratio.<sup>278</sup> (James Madison proposed capping the size of each district at 50,000 members in a constitutional amendment just to be sure.<sup>279</sup>) 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.”<sup>280</sup> At the time, the average number of constituents per representative was a quarter million, compared to three-quarters of a million today.<sup>281</sup> Only one country (India) has a greater constituent 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.

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.”<sup>282</sup> 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.” Similarly, recent research on constituent ratios for state legislatures has observed considerable increases, “resulting in more negative evaluations of representative government.”<sup>283</sup>

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;<sup>284</sup> more likely to cater to wealthier constituents;<sup>285</sup> and more likely to be distrusted by constituents.<sup>286</sup> 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 decreasing the nonproportionality of Electoral College results.<sup>287</sup>

would seem to be a desirable reform. Thus, although not a broadly circulated idea, abolishing rather than reforming primaries is another option. While new reform vehicles require further study, such as top-four primaries, the evidence that primaries contribute to political extremism suggests an urgent need for more scholarship and evidenced options.

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Each of these reform examples is intended to illustrate how adjustments to the basic levers of the electoral system carry implications for mitigating the authoritarian threat. But of course, they represent only

Johns Hopkins University Press (Dec. 21, 2001).

277 The Editorial Board, *America Needs a Bigger House*, The New York Times (Nov. 9, 2018); Our Common Purpose, *Reinventing American Democracy for the 21st Century*; The Editorial Board, *A Congress for Every American*, The New York Times (Nov. 10, 2018); Lee Drutman, Jonathan D. Cohen, Yuval Levin, Norman J. Ornstein, *The Case for Enlarging the House of Representatives*, American Academy of Arts and Sciences (2021).

278 National Constitution Center, *Interactive Constitution: Legislative Branch* (2021).

279 David Litt, *Congress Needs to Be Way, Way Bigger*, The Atlantic (May 5, 2020).

280 Ibid.

281 Desilver, *U.S. population keeps growing, but House of Representatives is same size as in Taft era*.

282 Ryan Best, *What If The House Of Representatives Had More Than 435 Seats?*, FiveThirtyEight (Aug. 12, 2021).

283 Daniel Bowen, *Constituency Size and Evaluations of Government*, Legislative Studies Quarterly (Sep. 13, 2021).

284 Frances E. Lee and Bruce I. Oppenheimer, *Sizing Up the Senate: The Unequal Consequences of Equal Representation*, The University of Chicago Press (1999).

285 Karen Long Jusko, *Who Speaks for the Poor?: Electoral Geography, Party Entry, and Representation*, Cambridge University Press (Sep. 2017).

286 Brian Frederick, *The People's Perspective on the Size of the People's House*, Political Science and Politics (Apr. 2008).

287 Our Common Purpose, *Reinventing American Democracy for the 21st Century*.

a sample. Options for reform are expansive.<sup>288</sup> 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 (see *Box 7: Enlarging the House of Representatives*). If the U.S. electoral system is indeed accelerating the authoritarian threat and blunting the ability to address it, electoral reforms are deserving of serious scrutiny among those across the ideological spectrum who commonly support a more resilient democracy.

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<sup>288</sup> Gallagher and Mitchell, *The Politics of Electoral Systems*.

A hand holding a small American flag against a blurred background of people, with a red overlay and a blue border.

**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.”<sup>289</sup>

But perhaps nowhere is the U.S. system more distinct than in its configuration of electoral system design choices. No other major democracy regularly relies on primaries to select its political candidates;<sup>290</sup> the use of single-member plurality has generated one of the world’s strictest two-party systems;<sup>291</sup> and the average lawmaker represents vastly more constituents than in any other advanced democracy.<sup>292</sup> The U.S. is an electoral system outlier.

**Reconfiguring electoral system design is a pathway to help protect democracy against those who would do it harm.**

As this paper has argued, its outlier status does not bode well for democratic resilience. The U.S. electoral system is not only advantaging 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 the basic features of its electoral system and their relationship to the authoritarian threat. Single-member plurality, in combination with primaries, 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 on ballots, election outcomes poorly reflect the more complex preferences of a diverse electorate.

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—single-member plurality 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 the single-member plurality system are not new, and in fact well-documented long before the current moment of American democratic decline.<sup>293</sup> Electoral biases, nonproportional outcomes, and barriers to entry for new parties are all, for example, typically predictable features. But in a country where, for example, geographic sorting,<sup>294</sup> partisan polarization,<sup>295</sup> and the nationalization of politics<sup>296</sup> are deepening, 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

289 Steven L. Taylor, Matthew Shugart, Arend Lijphart and Bernard Grofman, *A Different Democracy: American Government in a 31-Country Perspective*, Yale University Press (Oct. 28, 2014).

290 Rauch and La Raja, *Too Much Democracy Is Bad for Democracy*.

291 Taylor, Shugart, Lijphart and Grofman, *A Different Democracy: American Government in a 31-Country Perspective*.

292 Desilver, *U.S. population keeps growing, but House of Representatives is same size as in Taft era*.

293 Rae, *The political consequences of electoral laws*; Arend Lijphart, *The Political Consequences of Electoral Laws, 1945-85*, *The American Political Science Review* (Jun. 1990).

294 Lang and Pearson-Merkowitz, *Partisan sorting in the United States, 1972–2012: New evidence from a dynamic analysis*.

295 Klein, *Why We’re Polarized*.

296 Daniel J. Hopkins, *The Increasingly United States: How and Why American Political Behavior Nationalized*, University of Chicago Press (2018).



slide towards 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 candidates 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<sup>297</sup> and presidential races<sup>298</sup>—likely also carry implications 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.”<sup>299</sup>

While assessing the politics of electoral systems is beyond the scope of this paper,<sup>300</sup> it would be a mistake to assume that nonviability of 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 are winning,” such as a belief that “their continued victory is seriously threatened under the existing rules.”<sup>301</sup> Indeed, the list of major democracies that have

engaged in substantive electoral reforms is long.<sup>302</sup> The U.S.’s own lengthy history of reform is no exception.

**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.**

While this paper 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.”<sup>303</sup> Electoral system reform should be one among the many major generational projects pursued by today’s defenders of democracy.

297 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*. Or consider a semi-proportional representation system for Senate elections, in which voters elect Senators simultaneously. Lijphart, *Polarization and Democratization*.

298 For an example of reforms to presidential primaries, see Unite America Institute, *Ranked Choice Voting: The Solution to the Presidential Primary Predicament*, and Rob Richie, Benjamin Oestericher, Deb Otis and Jeremy Seitz-Brown, *Lessons from the Use of Ranked Choice Voting in American Presidential Primaries*, The Politics, Promise and Peril of Ranked Choice Voting (Jun. 15, 2021). For an example of reforms to the allocation of electors in the Electoral College, see Whitaker and Neale, *The Electoral College: An Overview and Analysis of Reform Proposals*.

299 Herron, Pekkanen and Shugart, *The Oxford Handbook of Electoral Systems*.

300 See, instead, Gallagher and Mitchell, *The Politics of Electoral Systems*.

301 Ibid.

302 Ibid.

303 Ibid.

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