1

The Election Reform Imperative

Larry Diamond, Edward B. Foley, and Richard H. Pildes

Scholars, journalists, and the American people broadly agree that American democracy is in difficulty, if not grave danger. Recent surveys consistently find that 50 to 60 percent of Americans are not satisfied with the way democracy is working in the United States. And they think the problem is systemic.[1] In a 2021 Pew survey, a stunning 85 percent of Americans said the US political system either needs "major changes" or must be "completely reformed"; 58 percent of adults who reported wanting substantial reforms said "they are not confident the system *can* change."[2] These figures were among the highest of all advanced industrial democracies surveyed in 2021.[3] In 2022, Americans' confidence in their national government was the lowest among citizens of G7 democracies (31 percent),[4] about the level of Nigeria and Venezuela.[5] And early that same year, a Quinnipiac poll found that substantial majorities of both Democrats and Republicans believed "the nation's democracy is in danger of collapse."[6]

One result—or at least correlate—of declining public satisfaction with the way democracy is working in the United States is that Americans' support for the specific institutions and norms of democracy also is declining. Some studies find a generational erosion in support for democracy as a form of government, with "more supportive older generations being replaced by less supportive younger ones."[7] This pattern of erosion may have started decades ago, but it seems to have accelerated more recently. According to a recent survey of the Democracy Fund's Voter Study Group, comprised of scholars and analysts focused on public sentiment, few Americans show a consistent commitment to democracy.[8]

A major driver of America's democratic distemper is deepening partisan polarization. Over the past three decades, the American public and, even more so, the Congress have become increasingly polarized on partisan and ideological lines. Part of this stems from a political realignment that has sorted most right-of-center voters into the Republican camp and most left-of-center voters into the Democratic camp, with very little ideological overlap between them.[9] But the problem is not simply that Democrats and Republicans are further apart in their beliefs. It is that they are also much more likely to hold extremely unfavorable views of the other party and even to regard it as an existential threat to the country's well-being.[10] This is known as "affective polarization," which reflects "the extent to which citizens feel more negatively toward other parties than toward their own."[11] That emotional gap, as measured on a 100-point "thermometer" scale, has doubled over forty years—from 27 points in 1978 to 56 points in 2020.[12] Between 1994 and 2022, the share of Democrats with an unfavorable view of Republicans more than tripled (from 17 to 54 percent), as did the share of Republicans with an unfavorable view of Democrats (from 21 to 64 percent).[13] In recent years, this rise in partisan animosity has corresponded with a sharp increase in the percentage of voters who see members of the other party as immoral.[14]

One reason for this is that intense partisans of each party "hold major misbeliefs about the other party's preferences that lead them to think there is far less shared policy belief."[15] Some of these misperceptions no doubt reflect the exaggerated messaging and sense of fear and dread that are promoted daily on social media. But the polarization process has been going on at least since the mid-1990s, with the rise of "shock radio" and cable TV news. And while some other advanced industrial democracies have experienced a mounting emotive polarization of politics, the United States stands alone in the scale of impact. Among twelve advanced democracies (the United States, Canada, Australia, New Zealand, Japan, and seven European countries), "the U.S. experienced the most rapid growth in affective polarization" over the four decades ending in 2020.[16]

Americans are also reacting to the fact that the Congress has become increasingly polarized and dysfunctional. The voting patterns of the two major parties have become ever more ideologically polarized in both the House and Senate, a process that began around 1980 and has accelerated ever since. While part of this stems from the decampment of southern Democrats to the Republican Party, the biggest factor has been the growing shift to the right in average Republican voting patterns in

Congress.[17] There is now essentially no ideological overlap in voting patterns between the least conservative Republican and the least liberal Democrat in either house of Congress.

Intense polarization threatens democracy for several reasons. First, it makes governing more difficult. Particularly in a country with bicameralism and the separation of powers, it is harder to forge the minimum consensus needed to pass legislation and implement policies when representatives of the two parties—and behind them, their most vocal supporters—are so far apart in their views and policy preferences. A wide emotional gap between the parties—with each viewing the other as a mortal threat to the nation's future—makes cooperation more difficult still.

Second, intense polarization makes it more difficult to sustain policies over time. Even if a temporary majority can adopt a certain policy, the next administration or the next Congress may seek to repeal it. It is difficult to govern when policy lurches from one strongly defined position to another in a short period. Both markets and social actors need some degree of stability and predictability to function well.

Third, opposing political parties that take an extremely dim view of one another also harbor mutual distrust. And that may lead their partisans to reject the results of an election out of a belief—and an underlying readiness to believe, in a context where the opposition party is essentially seen as evil—that electoral defeat could only have been produced by fraud or manipulation of the rules.

Finally, if both parties view the other as an existential threat to their values, they will be more inclined to do whatever is necessary to keep that party from coming to power or from exercising power effectively. In such a scenario, adherence to the rules breaks down and politics becomes political warfare, a naked struggle for dominance. That, in turn, leads to the kind of violence and insurgency witnessed on January 6.

Political extremism is thus both a handmaiden and a key driver of political polarization. We use the word "extremism" here, and throughout this book, in two senses. As Seymour Martin Lipset and Earl Raab put it in their classic *The Politics of Unreason: Right-Wing Extremism in America, 1790–1977*, there is "extremism as a generalized measure of deviance from the political norm; and extremism as a specific tendency to violate democratic procedures."[18] In this volume, substantively and in the literal sense of the term, we use extremism to refer to political actors who are located at extreme ends of the ideological spectrum. Extremists are those whose ideologies and policy preferences place them on the far right or far left of the political continuum, making compromise with them difficult. But we also use extremism in a behavioral

sense to refer to political actors who are willing to act in extreme, or what Lipset and Raab called "politically repressive," ways to acquire or wield political power. For political extremists, the outcome of political conflict is more important than adhering to democratic methods. That risks grave danger to democracy, of which the January 6 assault on the Capitol was one manifestation.

Dating all the way back to Aristotle, scholars of democracy have worried about the threat that extremism and polarization pose to democracy. This has led to a long-standing prominent scholarly and philosophical tradition arguing for the importance of a "culture of *moderation*, *accommodation*, *cooperation*, and *bargaining* among political elites," so that laws can be made, budgets passed, and governing done even when there are sharp differences among opposing parties.[19] These elements of political culture are necessary to solve a fundamental dilemma intrinsic to democracy. Democracy is about competition among parties, interests, and policy preferences. If there were no clear differences or competing interests expressed in politics, democracy would become unnecessary, vacuous, and lifeless. But if conflict becomes too intense and existential, it is difficult to contain within constitutional boundaries. Hence, for democracy to be sustainable over time, citizens must commit to pluralism by accepting the legitimacy of and need for "coexistence" among diverse "political entities, ethnic groups, [and] ideas."[20]

This commitment is bound up with other critical democratic norms: mutual trust, tolerance of opposing beliefs and positions, pragmatism, and a willingness to compromise—as well as an underlying commitment to democracy and its specific constitutional rules.[21] With mutual tolerance—the acceptance by competing parties of one another as "legitimate rivals"—must go "forbearance, or the idea that politicians should exercise restraint in deploying their institutional prerogatives," write Steven Levitsky and Daniel Ziblatt.[22] These two norms, they argue, have constituted "the guardrails of American democracy" for most of the twentieth century. But what happens when those guardrails weaken, as they have been doing in the twenty-first?

If major changes in underlying forces—in the economy, social relations, globalization, media, technology, and so forth—erode the cultural guardrails of democracy, then it falls to political institutions to fortify them. If norms are no longer sufficient to contain polarization and discourage extremism in politics, then we must examine whether and how institutional designs can generate incentives for moderation or at least a willingness to compromise—by making get-

ting elected harder for factional candidates (who are more likely to be extremists, in both senses of the term) and easier for politicians whom a majority of the general electorate support. If the institutional arrangements of our democracy—for example, the way we elect our legislators and president—worked so well for so many decades, why do we need to change them now? The answer, many argue, and which we explore in this book, is that the old rules are operating in a new political and social context. What worked passably well for many decades, and indeed for most periods since the American founding, may no longer be suitable for our intensely polarizing times.

The Focus of This Book

This book is the product of a task force that was formed in the aftermath of the January 6, 2021, attack at the Capitol aimed at disrupting the counting of votes in the 2020 presidential election. The purpose of the task force was to consider possible institutional reforms to elections in the United States that would diminish extremism and polarization and hence the potential for future existential threats to American democracy. The guiding premise of the task force has been that the current institutional rules enable politically extreme actors to achieve electoral success to a greater degree than voters harbor extremist views. In other words, the current system enhances rather than reduces the voice and power of extreme candidates and factions. And this also makes our politics and governing institutions more polarized and less amenable to compromise. Our goal has been to identify reforms that could reverse the overrepresentation of extremists and ease polarization. The task force consisted of thirty-one political scientists, law professors, and other scholars, whose names are listed at the end of the acknowledgements.

Our focus in this book is on a limited set of potential reforms to several key elements of the democratic system of the United States: our method for electing representatives and state executive offices, the system of primary elections by which we choose candidates for the general election ballot, the presidential nominations process, and campaign finance.

First, we examine the way that legislators—principally, members of Congress and state legislatures—are elected in the United States. As we explain later in this chapter, the United States is now among a minority of democracies in the world that continue to use the simple plurality method of "first past the post" (FPTP), in which legislators are elected from single-member districts and (in most states) whoever gets the

plurality of votes wins. Then we consider (in Chapters 2 and 3) two major alternatives to the current system of "first past the post": various forms of ranked-choice voting (RCV) that enable voters to indicate their preferences among candidates, with the victor required to win a majority of votes, and multimember districts using proportional representation (PR). Chapter 4 offers a skeptical view of PR, while Chapter 5 analyzes alternatives to the current system of nominating candidates in party primary elections, a system that has become popular in many democracies over the last century but which the United States has implemented to an unusual degree. Chapter 6 examines the unique system used in the United States to nominate major-party presidential candidates. And Chapter 7 takes up the issue that has most vexed American political reformers in recent decades: campaign finance.

We will return to these themes shortly, but first we want to address questions we anticipate many readers will have about what we left out. Initially, we had planned to examine the process of redrawing congressional and state legislative districts and the common historical practice of gerrymandering, in which state legislatures draw districts in such a manner as to maximize the number of seats their party can win (while also maximizing their own personal chances of reelection). Like most other scholars of democracy, the members of our task force generally consider gerrymandering to be a sordid practice that does not serve the interests of democracy. It is not so much the shape of the resulting districts (which can be shamelessly stretched and squeezed to meet political objectives) that reformers object to as it is the outcome, which often violates democratic principles in two senses. First, it artificially constrains competition by giving incumbents of the party controlling the process "safe" districts that the other party has little to no chance of winning. (Districts often lean heavily toward one party or the other for reasons of geographic sorting, but gerrymandering carries this natural bias to an extreme and, perversely, also gives the opposing party safe districts, since it packs as many of their supporters into as few districts as possible). And second, where one party is firmly in control of a state's redistricting process, it typically draws boundaries in a grossly unfair manner, so that it can expect to win a much larger share of seats (in the state legislature and for the state's congressional delegation) than its share of the vote.

Ultimately, however, we decided not to examine legislative districting because the process, which takes place at the start of each decade after the decennial census, was already nearing completion just as our task force was organizing its work. This meant that it would be eight

years before our recommendations could inform the next round of redistricting. In addition, even if the problems of gerrymandering were solved, the problems of polarization and extremism would persist. Elections for statewide offices, such as governor and US senator, are not subject to redistricting and thus cannot be gerrymandered, and yet they too are afflicted by polarization and extremism. The US Senate, like the US House, has become noticeably more polarized in recent years. Especially among Republicans, less extreme incumbents (such as former Ohio senator Rob Portman) are being replaced by more extreme officeholders (such as J. D. Vance, who succeeded Portman in the Senate and at the time of this writing was former president Donald Trump's running mate), even when the seat is occupied by someone nominally of the same party. For these reasons, our task force embraced the goal of considering potential remedies for the increasing problem of extremism other than redistricting reform.

Readers may also have hoped we would address possible reforms to the Electoral College or the structure of the US Senate. Among the world's democracies with popularly elected executive presidents, the United States is utterly unique in its method of choosing the president not by a direct popular vote but through the indirect method of an electoral college. The Senate, meanwhile, is the most undemocratically structured legislative chamber of any among modern democracies. But given the constitutionally embedded nature of these institutions, we leave to others more extended critiques and analyses of them.

Reforming the Electoral System

All democracies face a systemic challenge: How do they translate votes for parties and candidates into the election of officeholders, including allocation of seats in a legislature? Americans take this challenge for granted because, from the beginning, members of Congress were chosen by the simple and intuitive method of "first past the post" in single-member districts, as legislators were in all former British colonies. In the classic British (and, for the most part, American) version of this method, whoever wins the most votes in a single-member district is elected, even if they fall short of a majority. Hence this system is known as the "single-member-district, plurality" (SMDP) method.

But this is just one of many potential ways of electing a legislature, and even a single seat (whether for the legislature or the executive) can be elected by methods other than a first-past-the-post plurality. Indeed,

in some states at the time of the nation's founding (especially in New England), winning an election required a majority, not just a plurality, of votes and thus necessitated some sort of runoff procedure if no candidate received a majority. Moreover, the implications of this system for political polarization and extremism may change over time with social circumstances and with the method used by parties to nominate candidates for the general election. Thus, we give considerable attention in this volume to the interaction between general election systems and the structure of primary elections (the principal focus of Chapter 5). There is no one obvious and perfect answer to the question of which electoral system is best and, we would argue, no universal answer that is best for all societies. Indeed, as one of us (Edward B. Foley) argues in the next chapter, there is a strong case to be made for experimentation among US states to find the best methods for countering rising political extremism, given states' diverse political and social profiles. One of our purposes in this volume is to present a menu of reform options from which states might choose.

No electoral system translates the individual preferences of voters into a collective choice in a purely passive and neutral way,[23] although an electoral system can produce results more or less aligned with the collective preferences of the electorate.[24] Thus, it is necessary to consider what democratic aims or values an electoral system seeks to advance and to recognize the inevitable trade-offs involved. Prominent among the goals of any democratic electoral system is to enable an expression of the public will, in at least two senses. First, who should be given the responsibility for governing? And second, how can governing officials and legislative representatives be held accountable for their decisions and actions? Another consideration that has figured in debates over electoral system design is "governability"—what electoral system offers the best prospect of producing a government that can rule effectively, by virtue of enjoying broad majority support, political legitimacy, and durability (so it can survive until the next election). A principle strongly related to majority support is discouraging extremism, or extreme factionalism. This has been a core concern of our project. By this logic, a government can be more effective if it does not veer too far programmatically from the preferences of the median voter.

These principles of governability may complement or be in tension with the goal of fairness. To what extent does an electoral system produce outcomes that are viewed by citizens as a fair and accurate expression of the preferences they register at the ballot box? One measure of fairness is proportionality, for example, with regard to the representa-

tion of parties in parliament. If electoral districts are drawn in fair and neutral fashion, FPTP electoral systems may often give each political party a share of legislative seats reasonably close to its respective share of the vote. But this is not always the case. Distortions can arise in either direction, with parties winning a much smaller share of seats than their vote share, or vice versa. To the extent that proportionality is the value that system designers most wish to elevate, the natural method for doing so is proportional representation. PR systems are designed to give each party a share of seats in parliament proportional to their share of the vote (after they clear an electoral threshold at the district level, the national level, or both). But PR systems vary considerably in design and in their degree of proportionality, with significant implications for the competing values of electoral system design.

However, proportionality is only one metric of fairness. Within the context of a single-member-district system, some may view the paramount principle of fairness as electing the candidate who would defeat all others in head-to-head contests. As Foley explores in depth in the next chapter, this robust victor is known as the "Condorcet winner," named for French Enlightenment scholar the Marquis de Condorcet, who pioneered the idea. Not every single-mandate election among multiple candidates produces a "Condorcet winner," but most do, and even when they do not, systems can be designed to elect the candidate who comes closest to meeting that standard of victory. The Condorcet winner is the candidate who is most broadly acceptable to the electorate, or, put differently, the one who is least obnoxious to the largest number of voters. Thus, advocates of Condorcet-compliant systems argue they are most likely to make it difficult for extremists (by either definition of the term) to get elected.

Yet we can imagine a third principle of fairness that might be invoked: transparency. To what extent does the electoral system translate individual votes into a collective decision that voters can understand and accept? One value of SMDP is its utter simplicity—whoever gets the most votes wins—although this simplicity comes at the price of confusion, as most citizens mistakenly think that a majority (rather than a plurality) is necessary to win. As we add on layers of complexity, with ranked ballots, vote transfers, multiple seats in a district, multiple ballots cast by voters, or even multiple ways of voting for the same candidate (on different party lines, as with fusion voting), things get more complicated, and the system demands more of voters cognitively. It is not impossible for voters to learn and understand these more complex systems, but it requires time and educational effort.

And in highly polarized circumstances where trust in electoral administration may be in question, there is a price to be paid if the process by which a winner is determined cannot easily be explained to voters. This question of "accessibility" of the electoral method to the average voter is considered by Foley in the next chapter.

One need not tread far into the debate to see how different values may collide in the choice of electoral systems. To the extent that political accountability is a prime goal, this may be difficult to achieve in PR systems, because, as Richard Pildes notes in Chapter 4, PR systems give rise to multiple political parties (and the more proportional the system, the greater the number of parties it elects to a legislature). When multiple parties compete, it may be difficult to determine in advance how they will form governing coalitions after the election. Thus, even if a voter wants to punish one or more governing parties for poor performance by voting for an alternative, that alternative party may still form a coalition with the party the voter wishes to punish. The more proportional the system, and hence the higher the number of political parties, the more difficult electoral accountability may become, as the proliferation of parties makes predicting the precise shape of an alternative governing coalition harder and harder.

Geographical representation is a separate value that electoral systems may wish to elevate. Citizens want representation not only as members of a political party (or an identity group closely tied to a party) but as residents of a physical place that has distinctive needs and interests. The smaller the district in population size, the better the prospect that its residents can have their place-based interests represented and that they can hold their legislators accountable for the job they do in representing and protecting their constituents. Mathematically, this value is intrinsically at odds with the value of proportionality. The larger the district (up to the theoretical maximum of the entire country constituting a single electoral district, as in the Netherlands and Israel), the more proportional the system can be. But if legislators represent districts with many members (say, ten or more, or even half that), and hence a large population, their ties of accountability and access with citizens become diluted, and it may be very hard for constituents to identify a single legislator who specifically represents them. Even in a multimember district of three to five members, constituents will likely find it much more difficult and confusing to get their elected representatives to be accessible, supportive, responsive, and accountable than they would if their district were represented by a single member, as is now the case in the US House of Representatives and most state legislatures.

As Pildes notes in Chapter 4, the goal of proportionality is also in tension with that of government durability. PR tends to produce parliaments of multiple political parties; even "moderate" systems of PR (with design barriers to the proliferation of parties), such as Germany's system, may feature five or more parties with significant shares of parliamentary seats, and more proportional systems feature many more. Even though it is relatively small, with only 150 seats, the Dutch parliament now hosts fifteen parties, and the current coalition government is composed of four parties. In general, the more parties it takes to form a coalition government, the shorter its lifespan and the greater its difficulty in governing may be. That is not as serious a problem for a presidential system like the one in the United States, which gives a single executive the power to form a government for a fixed term, but some scholars worry about the possible difficulty of assembling legislative majorities in the House of Representatives if that body were composed, as it surely would be under a PR system, of multiple political parties.

However, advocates of PR for the United States argue, as Lee Drutman does in Chapter 3, that it has become increasingly difficult under the current highly polarized two-party system to legislate and govern when a single political party does not enjoy the "trifecta" of control of both houses of Congress and the White House. Perhaps counterintuitively, these advocates argue that PR would reduce political polarization in the United States via three mechanisms. First, they maintain that breaking up the polarized solidarities of the two existing political parties would free up moderates from both to join with other parties in new and shifting coalitions to pass legislation. Second, they envision that under a proportional system, different types of political issues would become salient. In other words, politics would become "multidimensional" rather than reducing everything to a single broad left-right dimension that always pits the same two parties against each other. Electing more parties to the House of Representatives would also, they argue, reduce affective polarization by unhitching American politics from its current "us-versus-them" bifurcation into Republicans and Democrats. With multiple political parties emphasizing different kinds of issues, the system would be less likely to reproduce the same level of animosity between parties. And third, they expect that PR would free extremists on the left and right to assemble into distinct (and smaller) parties, which could then more easily be marginalized from a role in governing. This "cordon sanitaire" approach would either leave these smaller extremist parties to complain on the sidelines or induce them to moderate as the price for participating in a legislative coalition.

As practiced in European parliamentary democracies, however, PR has had its share of difficulties, including protracted negotiations to form governments and rising support for extreme parties (as noted in Chapter 4). Moreover, PR has rarely been used to elect legislatures in presidential systems like the US system, and its record of performance in Brazil's presidential democracy does not offer compelling reassurance of its governing value. In cautioning against PR, Pildes maintains that with five or six ideologically diverse parties in the House, passing legislation would become even more difficult.

Reformers (and defenders of the current system) must ask the following core questions: What goals do we want to prioritize? What trade-offs are we willing to tolerate? And how do different elements of the electoral system interact with one another?

Although the first-past-the-post system still has strong defenders in the United States who tout it as simple, transparent, and familiar to all Americans, it has long ceased to be the global norm. With a long provenance in England, which has used the system to elect members to the House of Commons since the Middle Ages, it then spread to the British colonies: the United States, Canada, Australia, New Zealand, and many others that still use the method to elect their parliaments, including India, Jamaica, Kenya, and Nigeria.[25] Most European democracies use some form of PR, and some countries in the last century have either introduced a partial system of PR alongside single-member-district FPTP seats (creating a "mixed" or "two-tier" system) or switched entirely to PR. Australia uses ranked-choice voting (what it calls "preferential voting") to select its lower house of parliament. Some countries that elect presidents use FPTP for this purpose, but most presidential elections globally use a runoff system if no candidate wins a first-ballot majority, while Ireland uses RCV to choose its (largely ceremonial) president.

Among reformers today who seek to reduce political polarization and extremism in the United States, RCV is the most popular electoral reform that has been adopted so far. It has been implemented in its conventional form (instant-runoff voting [IRV]) in Maine and with the pairing of primary election reform in Alaska (the "top-four" model). The attraction of RCV for reformers is that it requires candidates to appeal more broadly to the entire electorate, because general election candidates must win a majority of the vote to be elected. But the efficacy of RCV in this respect is dependent on the particular form of RCV used as well as the degree to which the electorate is polarized. Under the most common rule for ranked elections, if no candidate wins a majority,

the one with the lowest number of first-place votes is eliminated, and in an "instant runoff," those votes are rerouted to the second-choice candidate marked on the ballots that ranked the eliminated candidate first. The process of runoff and elimination continues until someone wins a majority of the vote.

There are strong intuitive grounds to expect that RCV will both make it more difficult for politically extreme candidates to win and reduce political polarization. Once voters are free to rank their preferences rather than vote for a single candidate, they can rank an independent or third-party candidate first without wasting their vote. Such a candidate (possibly coming from the middle of the political spectrum) might even be poised to win if one or both parties nominate extreme candidates. But Foley shows that if the electorate (in a state, for example) is largely "bimodally" distributed in its preferences (that is, mainly divided into two politically polarized camps), the final round of IRV is still likely to reduce to a bare-knuckles contest between the polarized options, leaving out the middle-of-the-road candidate. To better combat extremism and polarization, he argues in Chapter 2 for a counting rule that elects the Condorcet winner.

Foley's simulations offer a deep analytic dive into how RCV might work in different electoral contexts in the United States. In its two most high-profile applications, in Maine and Alaska, RCV worked about as intended by returning to office the two most moderate Republican senators, Susan Collins of Maine and Lisa Murkowski of Alaska, while also enabling (in its first application in 2018) a moderate Democratic challenger in Maine, Jared Golden, to defeat a Republican incumbent, Representative Bruce Poliquin, who was much further from the political center.[26]

Where elections are for inherently single-member seats—for state executive offices, such as governor or attorney general, or for the US Senate—the principal reform option is some form of ranked voting. But where the issue is the method for electing an entire state legislature (or city council or Congress), there is no inherent reason why elections must be in single-member districts, and indeed the Constitution is silent on the matter. In 1967, Congress banned multimember districts for the US House (to ensure that states would not use the method to create statewide at-large districts that would make it difficult for racial minorities to be elected). However, states and municipalities remain free to use PR in multimember districts to elect their assemblies, and Congress could pass a new law on elections for the House, either allowing states the option of using PR in multimember districts or mandating it. It is

also possible to achieve a version of PR with single-member districts using a "self-districting" system, in which voters first choose which constituency they wish to join for electoral purposes and then elect a single representative for their self-selected constituency.[27]

A bill that has periodically been introduced in Congress by Representative Donald Beyer, the Fair Representation Act, would require that (1) all states with six or more House members establish multimember districts of three to five members; (2) states with two to five House members elect them at large in a single statewide district; and (3) states use a form of PR that builds on the ranked-choice model to elect these members. (The bill also mandates that states use RCV to elect their senators.)[28] As Drutman explores in Chapter 3, this is a "moderate" form of PR. The relatively small size of the electoral districts means that parties would have to win at least 17 percent of the vote to gain any seats; thus, extremely small splinter parties would not win enough votes to qualify for a seat in a five-member district.[29] This is appealing to many reformers because, by creating a multiparty system of something like five parties, it would break what Drutman calls the "doom loop" of polarization into two warring political camps. In the positive view of proponents, political parties would find new ways to pass legislation through shifting coalitions, and legislators who now fear defying rigid party orthodoxy would be free to join a different party and to cooperate and compromise more frequently. The House would be more reflective of American society because it would include moderate Democrats from very Republican states and moderate Republicans from very liberal states, perhaps grouped into new political parties. Another appealing feature of this system is that it would essentially end gerrymandering, because as districts become larger (even up to a few members), it becomes much harder to "game" redistricting for comparative advantage. And it would greatly reduce the unfairness of a party winning a much larger share of US House seats than its share of the popular vote.

But as Pildes and his colleagues argue in Chapter 4, there are serious possible downsides to this system that must be considered as well. We can do projections of what electoral outcomes might look like in different states if they were broken up into three-, five-, or even up to ten-member districts. But these are, of course, speculative. We cannot be sure what kinds of parties would form—and win—in such scenarios. We can speculate as to how the House of Representatives might function with five or six (or more) parties, but what if one or more of these parties were not just politically extreme but openly antidemocratic and

obstructionist? Numerous reformers believe that extremism in this form has already overtaken one of the two political parties, and they favor PR in part for this reason. But the truth is that we do not know how the system would function and how a president would govern if his or her party controlled only 30 percent of the seats in the House.[30] These concerns lead some analysts (including a few who participated in the drafting of Chapter 3) to urge caution, recommending no more than gradual experimentation with PR at the state level. And they lead some members of our task force to worry that PR could make the US House *more* polarized as parties of the Far Left and Far Right seek to pull members and voters to the extremes in a dynamic of outbidding that Italian political scientist Giovanni Sartori termed "polarized pluralism."[31] In such a scenario—which would be plausible if PR did generate something like six parties in the House with enough members to figure in bargaining over coalitions—the danger is that extreme or antisystem parties might not be marginalized but might instead drive a process that Sartori called "the enfeeblement of the center, a persistent loss of votes to one of the extreme ends (or even to both)."[32]

Primary Elections

In the United States today, the system used to elect winning candidates in November interacts with the system that is used to nominate candidates in the months preceding the general election, the primary elections. In the nineteenth century, party machines nominated candidates through the opaque decisions of their bosses or through state or national conventions of party activists. During the twentieth century, this system was replaced with the state-mandated direct primary, in which voters chose the parties' nominees in primary elections. Opening up the party nomination process to the free competition of candidates in a primary election ostensibly represented a big breakthrough for democracy at the time. But increasingly critics have charged (and many politicians have privately lamented) that party primaries have imposed an ideological and partisan purity test that requires officeholders to vote and govern in a more ideologically polarized and politically uncompromising fashion than they would prefer. In other words, to appeal to the party faithful in primaries and to ward off challenges by more extreme candidates, politicians have been forced to become less moderate and flexible than they would otherwise be.

There are four potential responses to this dilemma. One is to do away with party primaries altogether and go back to nominating candidates in party conventions. But there is little popular support for this retreat from popular control of the nominations process. A second option is to hold "open primaries" in which any voter can choose to participate, regardless of party affiliation. In theory, this would enable more moderate voters to help more moderate, compromising candidates win their party's nomination. But there is little evidence that open primaries reduce partisan or ideological polarization,[33] perhaps because voter turnout remains quite low in primary elections, where the people who vote tend to be the ones with more intense partisan motivation. A third option is to convert the primary election from a series of *party* primaries (principally, Democrat and Republican) to a single, nonpartisan "all candidates primary," in which all candidates compete and then some number advance to the general election—the "top two" in California and Washington, the "top four" in Alaska, and, potentially, the "top five" in Nevada if it adopts a voter initiative to that effect in November 2024. Under this system, the top vote getters in the primary advance regardless of party, which creates two potential "pathways to moderation." In a "top-two" system, if two candidates of the same party contest in November, the more moderate (less extremely partisan) candidate may win by appealing more broadly to the electorate beyond his or her party. The "top-four" or "top-five" systems, by contrast, use RCV to determine the general election winner. Chapter 2 explains and analyzes these and other options for single-winner elections.

As Robert Boatright and his contributors to Chapter 5 make clear, the question of primary reform turns in part on the importance attached to political parties as institutions in a democracy. Many political scientists worry that as political parties in general have weakened, so has their capacity to aggregate interests—which renders them more vulnerable to capture by more extreme elements. Boatright and his colleagues therefore recommend a flexible approach to primary reform, encouraging experimentation with such alternatives as RCV in party primaries, open primaries, and nonpartisan primaries. They also recommend that parties assume a stronger "gatekeeping role" to discourage or winnow out "unfit and politically extreme candidates," through such mechanisms as preprimary conventions to vet candidates or even preprimary endorsements of candidates. At the same time, they recommend that candidates who are defeated in a party primary be allowed to gain access to the ballot in the general election by eliminating the "sore loser" rule that prevails in some form in forty-seven states.

Presidential Nominations

As Pildes and Frances Lee explain in Chapter 6, our current system for nominating presidential candidates embodies a profound irony. Over the last half century, it has become much more democratic by effectively giving voters in each party the power to nominate the presidential candidates through the vehicle of the party primary. But moving almost purely to this system of direct democracy for choosing major-party presidential nominees has removed the filters of elite judgment that might screen out extreme or demagogic candidates. Thus, the system has become more democratic in one sense but also more vulnerable to assaults on democracy. As Pildes and Lee explain, the United States is an outlier in using such a "plebiscitary" method for nominating candidates for executive office. In no other advanced liberal democracy is there so little in the way of "peer review" for a potential presidential nominee.

Pildes and Lee consider several possible reforms that might restore some prudential balance to the process. One possible route is to tilt the process in favor of contested conventions, by instituting a shorter primary calendar and awarding convention delegates in each primary election on a more proportional basis. The former change would make it easier for candidates to stay in the race until the end, and the latter would make it less likely that one candidate could amass a majority of convention delegates in advance. The goal would then be to encourage a more deliberative party convention that "could negotiate compromises, balance competing party constituencies, and perform the function of peer review." This would also require candidates (or parties) to choose more delegates with the experience and competence to play a deliberative role at the convention. In addition, the authors recommend the selection of "superdelegates" who would be able to vote on the first ballot of the nomination process without necessarily being committed in advance to a candidate. This would ensure more peer review and also reduce the chances of a first-ballot victory. Alternatively, party officeholders in Congress and the states could be given an opportunity to render an official judgment about the candidates ahead of the primaries, which could be prominently publicized. The authors also recommend that the national political parties take full and direct control of organizing and hosting the primary debates, including making decisions about which candidates are invited to participate and by what criteria.

As the 2024 presidential primaries demonstrated, however, even salutary reforms along these lines cannot guarantee the avoidance of

extremist major-party nominees. Despite his role in attacking the outcome of the 2020 election, including his responsibility for what unfolded at the Capitol on January 6, 2021, Trump became the nominee of the Republican Party with the support of its transformed leadership.[34] As became increasingly evident during the course of the primary campaign, former South Carolina governor Nikki Haley was the insurgent candidate attempting to recapture the party for its recently dispossessed traditionalists. But to no avail. Moreover, as this book goes to press, there is the possibility that Trump will win the presidency again without a majority of votes—either nationally or in the states that provide an Electoral College victory—because of the "spoiler" effect of a third-party or independent candidate. Thus, insofar as the goal is to protect the United States from extremists who do not have majority support within the electorate, an important lesson of 2024 is that electoral reforms will need to extend beyond the process for nominating the two major-party candidates to encompass some mechanism for preventing the risk of a spoiler effect resulting in the election of an extremist. Determining exactly what institutional reform this should be we leave to future endeavors.

Campaign Finance

Reforming campaign finance poses vexing challenges as well. Among them are that the First Amendment, or at least the way the Supreme Court interprets it, makes it difficult for Congress to control the amount of money candidates spend on their campaigns, and reforms that would strengthen political parties and their ability to raise money for candidates are not very popular among voters.

In Chapter 7, Ray La Raja and his colleagues find that current patterns of campaign finance contribute to political extremism in the United States, in that they increasingly privilege financing from individual donors who are more ideological and politically extreme than institutional donors (such as traditional political action committees [PACs]) or party establishments, not to mention rank-and-file voters. Moreover, as political finance, even of statewide or congressional races, has become more and more nationalized, candidates for Congress have been incentivized to become more hyperpartisan and politically extreme. Independent political expenditure committees (which legally cannot coordinate with candidates' campaigns) also tend to favor more extreme candidates and to undermine transparency and accountability.

La Raja and his colleagues propose two reform strategies. One is to increase funding to candidates from more broadly representative sources, especially political parties (but also multicandidate PACs and even public subsidies). The other is to create incentives for political finance to run through transparent and accountable committees that disclose all their major donors and in general to strengthen disclosure for large donors. However, the authors of Chapter 7 would also like to make it easier for small donors to contribute privately so that they do not face social pressure or reprisals.

The problem is that these may not be the reforms voters want, particularly in an era when there is so much skepticism about political parties and government, which would be the source of public subsidies for campaign finance. And some reforms that appear to be popular with voters, such as lowering limits on campaign contributions, may make things worse by forcing candidates to rely on more ideologically extreme and hyperpartisan small donors and independent expenditure committees. Programs to match small political donations with public funds carry the same risk of reinforcing the power of more militant activists, but some types of subsidies for small donors merit continued experimentation at the local level.

What the People Think About Political Reform

Our study used expert political, legal, and historical analysis to consider what kinds of reforms might be most effective in restraining polarization and extremism. But we also had the opportunity to examine what the American people might think about many of these reforms through the unique method of a deliberative poll. In contrast to a regular public opinion poll, where voters are asked their opinions on issues about which they have relatively little knowledge or information, voters in a deliberative poll are surveyed twice. The first survey is a normal public opinion poll, with no effort made to educate the respondents. After that, a representative sample of the public is given a balanced briefing paper on the issues, which explains (in this instance) the various reform options and offers arguments for and against each proposal. The respondents are then brought together to deliberate in small groups of ten to twelve individuals and periodically in plenary sessions of the entire sample, where they hear experts with competing points of view answer questions that the small groups have agreed upon.[35]

In June 2023, Stanford's Deliberative Democracy Lab, in coordination with our task force, brought together a representative sample of over 500 Americans to deliberate on a number of democratic reform proposals. This was the third in a series of national deliberative polls termed "America in One Room," and like the second one, it was conducted on an online platform designed to encourage active and respectful participation.[36] The respondents deliberated and were surveyed on several of the proposals we discuss in this book: electoral reforms (in particular, ranked-choice voting and proportional representation), reform of party primaries, and campaign finance reform. We close this introduction by briefly summarizing those results.

Among the electoral reform options offered in the deliberative poll were various versions of ranked-choice voting. Participants were asked if they would oppose or favor RCV in six circumstances: in primary elections for local offices, state offices, and Congress and in general elections at the same three levels. The pattern was similar for each of these six options. Before deliberating, proportions of the sample ranging from 44 percent (for Congress) to 49 percent (for local elections) favored using RCV for primaries, whereas after deliberating, the share of support rose to majority levels (53 percent for Congress and 59 percent for state elections). Before deliberation, about 47 percent of respondents endorsed using RCV in general elections at each of these three levels. This support rose after deliberation to 52 percent for congressional elections and 57 percent for state elections (with local elections in between). Similarly, support for the Alaska-style "top-four" system of RCV with nonpartisan primaries rose from 44 percent before deliberations to 53 percent after. But these support levels were not evenly distributed across parties. Democrats (most of all) and Independents were much more supportive of RCV than Republicans, and they were also more likely to be persuaded to endorse it after deliberating. For example, Democratic support for RCV in state general elections increased from 62 to 70 percent, and Independent support increased from 41 to 65 percent, but Republican support only rose from 34 to 40 percent. Republicans warmed more to the "top-four" RCV system, increasing their support after deliberation from 32 to 43 percent (with Democrats' support rising only modestly from 59 to 63 percent and Independents' support increasing dramatically from 40 to 58 percent).

Crucially, it appears that the rise in support for RCV may have come in part from a better understanding of it through education and deliberation. The percentage of the sample agreeing that RCV "will better reflect the public's views on all the candidates" increased from 44 to

57 percent after deliberation. And the percentage *disagreeing* that RCV is "too complicated to use" increased from 41 to 51 percent.

Interestingly, while voters warmed somewhat to the idea of an "instant runoff" through some form of RCV, they did not much like the idea of having to come to the polls to vote again in a general election runoff if no candidate wins a majority of the vote. Support for this option declined after deliberation, from 43 to 40 percent, with each of the three groups of partisans declining in enthusiasm. Participants were much more skeptical of fusion voting (which allows multiple political parties to nominate the same candidate and counts all the votes for that candidate equally). Support for that option remained after deliberation firmly stuck at slightly less than 20 percent of the sample. That said, participants did clearly signal that they want a more competitive political system. Support for the principle of making it easier for third-party and independent candidates to appear on the ballot rose from 58 to 68 percent after deliberation and had majority support among Democrats, Independents, and Republicans.

Support also rose after deliberation for PR, but it began with a weaker base of support among each of the three partisan groups. Once again results were similar for elections at all three levels, with participants slightly more supportive of PR for state legislatures than for local councils or for Congress. Before deliberation, Democrats were more than twice as likely as Republicans to support PR (about 45 to 19 percent). They remained much more supportive after deliberation, but the difference narrowed. For state elections, overall support for PR increased from 30 to 46 percent, with support rising from 44 to 59 percent among Democrats, 22 to 35 percent among Independents, and 19 to 37 percent among Republicans. For Congress, each group was a few percentage points less supportive of PR (with 43 percent favoring this option after deliberation).

Participants were also surveyed about proposals to reform campaign finance and party conventions. The general finding here is that it is an uphill battle to persuade Americans to support reforms that would strengthen political parties, even though there was strong support for many of these proposals from within our task force. Should political party leaders be given a more important role in choosing their presidential nominees—for example, by setting aside something like a quarter of convention delegates for elected officeholders? Support for that was scant before deliberation and barely rose after, from 14 to 17 percent. Similarly, few participants endorsed the proposals of our campaign finance working group to strengthen the role of parties. Only about 15 percent before or after deliberation supported increasing the limits on

individual donations to political parties, and support for increasing the amounts that parties can contribute to congressional candidates rose only slightly higher, from 15 to 19 percent. Our sample also did not like the idea of using public money to help fund political campaigns. Matching small donor contributions with larger amounts from public funds (which carries the risk of turbocharging more extreme partisans) began and finished the deliberation with less than 20 percent support. Giving all voters publicly funded democracy vouchers to support candidates of their choice also fell flat, with support increasingly only slightly to 24 percent after deliberation.

The one recommendation of our task force that the deliberating sample of American voters did endorse was transparency for major donors. Support for requiring PACs to disclose their top donors and officials rose from 69 to 79 percent after deliberation. But while our team of experts suggested giving smaller donors more privacy (by raising the threshold for reporting above the current $200 limit), that was opposed by two-thirds of our sample.

While this deliberating sample of the American public did not endorse all the reform proposals discussed in this book, they did firmly embrace our motivating principle. One of the goals that garnered the strongest support from the sample was "overcoming divisions in American society." The percentage identifying that as important rose from 70 to 83 percent after deliberation.

* * *

This report of our task force does not emerge from a vacuum. As we discuss briefly in our conclusion, reformers have been working at the state level for many years now to enact changes to reduce the polarizing divisiveness of our politics and improve the quality and governing capacity of our democracy. As we see in several of the chapters that follow, reform can have unintended consequences, producing dynamics very different from what its advocates sought. But the genius of the American system still partly lies in its federal character, which allows for the possibility of many experiments with reforms to electoral systems, primary elections, districting, and systems of campaign finance. As more states innovate with different ballot structures and variations of ranked-choice voting, new provisions for campaign finance, and other reforms, we will be able to evaluate the impact of these changes to see what works and why. In this respect, the analysis here should be viewed as preliminary, awaiting a greater range of experience. Despite their

considerable differences in perspective, the members of our task force broadly agreed that the problems of political polarization and rising extremism in the United States are serious and in need of attention. We remain in the early days of reform thinking and advocacy, and it is not unreasonable to imagine that the United States will gradually find its way through an iterative process toward a more effective democracy, as it did during the era of democratic reform a century ago.

Notes

1. "How Americans See Their Country and Their Democracy," Pew Research Center, June 30, 2022.
2. "How Americans See Their Country and Their Democracy," Pew Research Center, June 30, 2022.
3. "Citizens in Advanced Economies Want Significant Changes to Their Political Systems," Pew Research Center, October 21, 2021.
4. "Confidence in Governments at Lowest Level," Gallup, July 24, 2023.
5. Dan Balz and Clara Ence Morse, "American Democracy Is Cracking. These Forces Help Explain Why," *Washington Post*, August 18, 2023.
6. "Political Instability Not U.S. Adversaries, Seen As Bigger Threat, Quinnipiac University National Poll Finds," Quinnipiac University Poll, January 12, 2022. https://poll.qu.edu/poll-release?releaseid=3831.
7. Christopher Claassen and Pedro C. Magalhães, "Public Support for Democracy in the United States Has Declined Generationally," *Public Opinion Quarterly* 87, no. 3 (fall 2023): 719–732. https://doi.org/10.1093/poq/nfad039.
8. Joe Goldman, Lee Drutman, and Oscar Pocasangre, "Democracy Hypocrisy: Examining America's Fragile Democratic Convictions," Democracy Fund, January 4, 2024.
9. "Political Polarization in the American Public," Pew Research Center, June 12, 2014.
10. "Political Polarization in the American Public," Pew Research Center, June 12, 2014.
11. Levi Boxell, Matthew Gentzkow, and Jesse M. Shapiro. "Cross-Country Trends in Affective Polarization," *Review of Economics and Statistics* 106, no. 2 (2024).
12. Levi Boxell, Matthew Gentzkow, and Jesse M. Shapiro, "Cross-Country Trends in Affective Polarization," *Review of Economics and Statistics* 106, no. 2 (2024).
13. "As Partisan Hostility Grows, Signs of Frustration with the Two-Party System," Pew Research Center, August 9, 2022.
14. "How Democrats and Republicans See Each Other," *The Economist*, August 17, 2022.
15. Rachel Kleinfeld, *Polarization, Democracy, and Political Violence in the United States: What the Research Says* (Washington, DC: Carnegie Endowment for International Peace, 2023).
16. Levi Boxell, Matthew Gentzkow, and Jesse M. Shapiro, "Cross-Country Trends in Affective Polarization," *Review of Economics and Statistics* 106, no. 2 (2024).
17. Nolan McCarty, "What We Know and Don't Know About Our Polarized Politics," *Washington Post*, January 8, 2014.

18. Seymour Martin Lipset and Earl Rabb, *The Politics of Unreason: Right-Wing Extremism in America, 1790–1977*, 2nd ed. (Chicago: University of Chicago Press, 1970), 4.

19. Larry Diamond, *Developing Democracy: Towards Consolidation* (Baltimore: Johns Hopkins University Press, 1999), 165.

20. Seymour Martin Lipset and Earl Rabb, *The Politics of Unreason: Right-Wing Extremism in America, 1790–1977*, 2nd ed. (Chicago: University of Chicago Press, 1970), 5.

21. For elaboration, see Seymour Martin Lipset, *Political Man: The Social Bases of Politics* (New York: Doubleday, 1960); Gabriel Almond and Sidney Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (Princeton, NJ: Princeton University Press, 1963); Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven, CT: Yale University Press, 1971).

22. Steven Levitsky and Daniel Ziblatt, *How Democracies Die*, Reprint ed. (New York: Crown, 2018), 8–9.

23. Donald L. Horowitz, "Electoral Systems: A Primer for Decision Makers," *Journal of Democracy* 14 (October 2003): 115.

24. See Nicholas O. Stephanopoulos, *Aligning Election Law* (New York: Oxford University Press, 2024).

25. "First-Past-the-Post Voting," Wikipedia.

26. Poliquin challenged the constitutionality of the system in federal court because he led slightly in first-preference votes, but he lost in court and lost his seat.

27. Edward B. Foley, "Self-Districting: The Ultimate Antidote to Gerrymandering," *Kentucky Law Journal* 111 (2023): 693.

28. "H.R. 3863—Fair Representation Act, 117th Congress (2021–2022)," Congress.gov.

29. The minimum threshold for winning a seat in such a system is 1/M + 1, + 1, where M is the district magnitude—that is, the number of representatives to be elected from the district. In a single-member district, that is 1/2 (or 50 percent) + 1. In a two-member district, it is 1/3 (about 33 percent) + 1. In a five-member district, it's 1/6 (or nearly 17 percent) + 1. The larger the district, the smaller the threshold a party must meet to win a seat.

30. Of course, the Senate would in any case continue to be elected from single-member districts, making it likely that it would be mainly composed of members from the two largest parties.

31. Giovanni Sartori, *Parties and Party Systems: A Framework for Analysis* (Cambridge: Cambridge University Press, 1976), 132–140; Juan J. Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration* (Baltimore: Johns Hopkins University Press, 1978), 26–27.

32. Giovanni Sartori, *Parties and Party Systems: A Framework for Analysis* (Cambridge: Cambridge University Press, 1976), 136.

33. See Chapter 5 and Lee Drutman, "What We Know About Congressional Primaries and Congressional Primary Reform," *New America*, last updated July 1, 2021.

34. See Seth Masket, "The Surprising Takeaway from My Survey on How Trump Got a Grip on the GOP Grassroots," *Politico*, March 4, 2024.

35. For a detailed explanation of the method and the logic behind it, see James Fishkin, *Democracy When the People Are Thinking: Revitalizing Our Politics Through Public Deliberations* (Oxford: Oxford University Press, 2018).

36. For a more detailed description, see "Results of America in One Room: Democratic Reform," Stanford Deliberative Democracy Lab.