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Electoral fusion

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Electoral fusion is an arrangement where two or more political parties on a ballot list the same candidate, pooling the votes for that candidate. Distinct from the process of electoral alliances in that the political parties remain separately listed on the ballot, the practice of electoral fusion in jurisdictions where it exists allows minor parties to influence election results and policy by offering to endorse or nominate a major party's candidate.

United States

Electoral fusion was once widespread in the United States. In the late 19th century, however, as minor political parties such as the People's Party became increasingly successful in using fusion, state legislatures enacted bans against it. One Republican Minnesota state legislator was clear about what his party was trying to do: "We don't propose to allow the Democrats to make allies of the Populists, Prohibitionists, or any other party, and get up combination tickets against us. We can whip them single-handed, but don't intend to fight all creation." (Spoiling for a Fight, 227-228). The creation of the Minnesota Democratic-Farmer-Labor Party made this particular tactical position obsolete. By 1907 the practice had been banned in 18 states; today, fusion as conventionally practiced remains legal in only eight states, namely:

- Connecticut
- Delaware
- Idaho
- Mississippi
- New York
- Oregon
- South Carolina
- Vermont

In several other states, notably New Hampshire, fusion is legal when primary elections are won by write-in candidates.

The cause of electoral fusion suffered a major setback in 1997, when the U.S. Supreme Court decided by 6-3 in *Timmons v. Twin Cities Area New Party* that fusion is not a constitutionally protected civil right.

Fusion has sometimes been used by other third parties. For example, the Independent Party of Oregon cross-nominated five major party candidates, winning races for the U.S. Senate, Oregon State Treasurer, and the Oregon House of Representatives in 2008. The Libertarian Party used fusion to elect four members of the New Hampshire state legislature during the early 1990s.

In 1864 the Democratic Party split into two wings, over the peace question. The War Democrats fused with the Republicans to elect a Democratic Vice President, Andrew Johnson, and re-elect a Republican President, Abraham Lincoln.

Occasionally, popular candidates for local office have succeeded in being nominated by both Republican and Democratic Parties. In 1946, prior to the current ban on fusion being enacted in that state, Republican Governor of California Earl Warren (a future Chief Justice of the United States) managed to win the nominations of the Republican, Democratic, and Progressive Parties. Similarly, Allan Shivers won the 1952 nominations of both the Democrat and Republican parties in Texas (and had his name

appear on the ballot twice, once for each party; Democrat Shivers handily defeated Republican Shivers in the general election).

In the 1991 Louisiana gubernatorial election, controversial white supremacist David Duke, running as a Republican, unexpectedly made his way to second place in the state's jungle primary. Many prominent Republicans endorsed his Democratic opponent Edwin Edwards. While not a de jure example of electoral fusion, it was an unusual example of both major parties joining against a candidate.

New York

See also: Elections in New York and Qualified New York Parties

Fusion has the highest profile in New York, where it was used as a major weapon against Tammany Hall. Most legislative and judicial elections are won by candidates endorsed by more than two parties.

In order to obtain or maintain automatic ballot access, a party's candidate for governor of New York must receive 50,000 votes on that party's line. The party need not run its own candidate and may cross-nominate another party's candidate, but in order to qualify for automatic ballot access it must receive 50,000 votes on its own line. Gubernatorial vote also determines ballot order, with Row "A" going to the party whose line gains the most votes (regardless of whether or not their candidate actually wins).

Automatic ballot access means that no petitions need be filed to gain access to a ballot line for statewide and special elections, and parties may designate candidates through their own conventions. (Legislative candidates must petition onto the ballot regardless of party designation.) For local (non-statewide) office, the number of signatures required to place a candidate on the ballot is much lower for qualified parties, and they are the only parties eligible to hold primary elections. Automatic ballot access is valid for four years, and parties must gain 50,000 votes in the next gubernatorial election to again qualify for automatic ballot access.

Small parties significant in large part for their fused ballot lines, include the Independence Party of New York, the Working Families Party, and the Conservative Party of New York State. The Independence Party originally ran its own candidate for governor until 2002, but since then has instead retained its automatic ballot status by running a gubernatorial candidate who was designated by one of the major parties. Previously influential were the Liberal Party of New York and New York State Right to Life Party, which lost automatic ballot access in 2002. The Green Party, which had first achieved ballot status in 1998, failed to gain 50,000 votes and also lost its ballot status in 2002, but is expected to regain its line when the 2010 election results are certified.

Other parties, such as the Libertarian Party of New York, and the Green Party of New York, and others, now seek ballot access by, first, getting a gubernatorial candidate on the ballot via petition (by collecting 15,000 valid signatures of registered voters), and then by getting 50,000 votes for that candidate on their line.

The Liberal Party, which had been active since 1944, became defunct as a result of the 2002 gubernatorial election. Andrew Cuomo got the Liberal Party nomination and ran in the Democratic primary against Carl McCall, who had secured the Working Families nomination. Cuomo subsequently dropped out and endorsed McCall, but his name remained on the Liberal party line and failed to gain 50,000 votes, leading to the Liberal Party's failure to retain status and losing its automatic ballot line. A Federal lawsuit (joined by Green, Libertarian, and other parties) enjoined the Board of Elections from discarding enrollment records of these disqualified parties, and also required modifications to allow voters to register themselves in non-ballot parties.

Oregon

Prior to 1958, Oregon practiced a form of fusion that required the state to list multiple nominating parties on the candidate's ballot line. Sylvester Pennoyer was elected Governor in 1886 and 1890 as a candidate of the Democratic and People's Parties. In 1906, 7 members of the Oregon House were also elected as candidates of the People's party and either the Democratic or Republican parties. In 2008, a lawsuit was brought by the Independent Party of Oregon against the Oregon Secretary of State claiming that modifications to the ballot design statute in 1995 once again required the state to list multiple nominating parties on the candidate's ballot line. The lawsuit gave rise to legislation [1] to allow candidates to list up to 3 party labels after their name. This bill passed both houses of the Oregon legislature during the 2009 legislative session. Governor Ted Kulongoski signed the bill into law on July 23, 2009.

See also

- Tactical voting

External links

- The Power of Fusion Politics
- History of Fusion Politics in 1890s North Carolina
- National Open Ballot Project, an effort to promote fusion voting in the U.S.A.
- Independent Party Sues to get Correct Ballot Labels In Oregon

Articles

- "Political Combinations in Elections". *Harvard Law Review,* (The Harvard Law Review Association) **45** (5): 906–912. March 1932. doi:10.2307/1332029. ISSN 0017-811X. http://links.jstor.org/sici?sici=0017-811X(193203)45%3A5%3C906%3APCIE%3E2.0.CO%3B2-1. Retrieved 2006-10-25.

References