



# Conservatives Should Look More Closely at Systemic Election Reforms

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## Key Points

- Conservatives should recognize that many Americans are dissatisfied with the current state of governance, elected officials, and the two major parties.
- There is ample evidence that the present first-past-the-post, partisan primary system contributes to poor governance, unrepresentative candidates, and gratuitous partisanship.
- The political right should invest more energy and resources in assessing how systemic election reforms can improve the selection of candidates and strengthen the incentives they have to govern well.

Public dissatisfaction with the federal government, and Congress in particular, has prompted a flurry of efforts to reform how elections are conducted. Among the proposed changes are systemic election reforms such as preferential voting (e.g., ranked-choice voting), open primaries, jungle and runoff elections, proportional representation, and nonpartisan redistricting. Supporters make different arguments for each of these electoral reforms. On the whole, however, they think their preferred reform will improve governance by improving candidates' and officials' incentives to govern in line with most voters' wishes more often.

To date, conservatives have shown limited and varied interest in systemic election reforms. In some instances, they have supported such reforms. Mostly, however, they have barely engaged with these policies or actively opposed them. Their hesitance and reticence are somewhat surprising since conservatives frequently complain that officials elected under the regnant electoral system regularly fail to govern conservatively.

Elections are a centerpiece of representative government. They are the means for the people to choose who

should govern. Hence, improving governance necessitates reconsidering how America selects its elected officials. It is widely recognized that first-past-the-post elections and partisan primaries create perverse incentives for candidates and elected officials.

Skepticism of change is wise, yet conservatives should not reflexively reject systemic election reforms. Instead, they should give systemic election reforms objective scrutiny, because it is the responsible thing to do and in their self-interest. Additionally, conservatives risk damaging their reputation with voters by reflexively defending the status quo. It is entirely possible that certain systemic reforms can advance conservative objectives. For example, the Republican Party of Virginia used ranked-choice voting to select a gubernatorial candidate—Glenn Youngkin—who then defeated a well-financed, popular Democrat.

Conservatives can give systemic election reforms due consideration through two means. First, leaders and thinkers on the right should examine whether the various reform options comport with normative criteria. (For example, do they promote healthy political

competition and incentivize elected officials to listen to voters and lead responsibly?) Second, conservatives should bolster their corps of experts on systemic election reform, since presently, the electoral reform policy conversation is dominated by the political left and disaffected moderates, who are well armed with data and analyses.

## Popular Discontent Invites Systemic Election Reform

The American public has grown more jaundiced about the federal government since the late 1960s. Only about one in five Americans believes the federal government will do the right thing all or most of the time.<sup>1</sup>

Public affection for all three branches of government is at or near historic lows. Decreasing percentages of Americans express “a great deal” or “a lot” of confidence in the presidency (26 percent), the Supreme Court (27 percent), and Congress (8 percent).<sup>2</sup> Their dislike for these branches also has risen, with Congress faring especially badly. For more than a decade, an average of about 80 percent of the public has disapproved of the job Congress is doing.<sup>3</sup>

Americans’ dour attitudes about elected officials are particularly acute among Republicans and independents. Only 39 percent of the former and 34 percent of the latter feel either “a great deal” or “a fair amount” of trust for politicians.<sup>4</sup>

Americans also are increasingly dubious about the country’s two dominant political parties, which have held nearly all federal elected positions for decades. During the 1940s, approximately 80 percent of Americans identified with either the Democrats or the Republicans.<sup>5</sup> In the late 1960s, the percentage of Americans who did not identify with either party began to rise. Today, more than 40 percent of Americans—a plurality—identify as independents.<sup>6</sup> American voters also show rising levels of negative feelings toward the two parties (Tables 1 and 2).

Public dismay with the government can also be found in voter participation rates. Myriad reforms have been

**Table 1. The Public’s Negative Feelings Toward the Two Major Parties**

Year	Feel Negative Toward the Democratic Party	Feel Negative Toward the Republican Party
2020	44.3%	48.7%
2016	42.3%	47.7%
2012	37.0%	45.0%
2008	21.0%	44.0%
2004	27.0%	33.0%
2000	26.0%	31.0%
1996	27.0%	32.0%

Source: Howard J. Gold, “The Polls—Trends: Americans’ Attitudes Toward the Political Parties and the Party System,” *Public Opinion Quarterly* 79, no. 3 (Fall 2015): 803–19, <https://www.jstor.org/stable/24546792>; and American National Election Studies, Time Series Cumulative Data File, <https://electionstudies.org/data-center/anes-time-series-cumulative-data-file>.

**Table 2. The Public’s Dislike of the Two Major Parties**

Date	Dislike the Democratic Party	Dislike the Republican Party
2020	59.9%	58.0%
2016	61.4%	68.7%
2012	49.0%	55.0%
2008	42.0%	56.0%
2004	48.0%	55.0%
2000	44.0%	51.0%
1996	45.0%	51.0%

Source: Howard J. Gold, “The Polls—Trends: Americans’ Attitudes Toward the Political Parties and the Party System,” *Public Opinion Quarterly* 79, no. 3 (Fall 2015): 803–19, <https://www.jstor.org/stable/24546792>; and American National Election Studies, Time Series Cumulative Data File, <https://electionstudies.org/data-center/anes-time-series-cumulative-data-file>.

enacted since the 1960s to expand access to the ballot. Blatantly bigoted hurdles to voting (e.g., poll taxes) no longer exist. Voters now may vote days and even weeks before the election and—in an increasing number of states—may submit their ballots by mail.

Yet voter participation rates have barely changed. Voter turnout has hovered around 60 percent in presidential elections and 40 percent in midterm congressional elections since the early 20th century.<sup>7</sup> In 2016, a Knight Foundation survey found a variety of reasons for nonvoting, but alienation was a major factor among them.

Thirty-eight percent of non-voters are not confident that elections represent the will of the people, and non-voters are more likely to say that this is because the system is rigged. Non-voters are less likely to believe votes are counted fully and accurately, or to say that decisions made by the president or others in Washington have a strong impact on their lives.<sup>8</sup>

This same survey also warned that the

emerging electorate is even less informed and less interested in politics: Young eligible citizens (18–24 years old) are even less likely than non-voters to report following political news, and feel less informed than non-voters come election time. Fewer are interested in voting in 2020 than non-voters, principally because they don't care about politics.<sup>9</sup>

A more recent survey by the Associated Press and National Opinion Research Center found that half of Americans did not feel their interests were well represented in Washington, and 55–65 percent of them felt that current laws and policies on issues such as immigration, climate change, and federal spending were out of step with their views.<sup>10</sup> Nonvoters frequently say they do not vote because the candidates are unappealing and that casting a ballot will not change anything in Washington, DC. Still others do not participate because they live in districts where a party they dislike holds an overwhelming majority.<sup>11</sup>

With such widespread and long-standing public discontent with federal governance, it is little wonder that systemic election reforms are being discussed and advanced across the country. Supporters of these various reforms claim they will shake up the system and deliver better candidates and better governance.

## What Are Systemic Election Reforms?

Election administration policies have been much debated in recent years. There have been myriad fights over absentee voting and voting by mail, drop boxes for ballots, voting before Election Day, and voter identification rules.

For the most part, these have been partisan fights. Democrats advocate loosening rules to make voting easier, and Republicans try to tighten them. The contestants often speak in lofty terms about their aims, but their motivations are transparent. Each party wants to adjust the rules in ways they believe will increase their odds of winning.

Adjacent to these policy debates is a different realm of election policy changes—systemic election reforms. As defined in this report, a “systemic election reform” is a policy that would alter one or more features of the first-past-the-post, or plurality, system currently used by much of the country to select elected officials. This system features partisan primaries that precede a general election. Participating voters cast a single ballot in a party's (usually Democratic or Republican) primary and can select one candidate per office. Whichever candidate gets the most votes becomes the party's nominee to compete in the general election. Here, voters cast a single ballot for one candidate per office, and again the candidate with the most supporters wins.

Critiques of plurality voting and partisan primaries have existed for decades; however, these critiques and systemic reforms to remedy these shortcomings have taken on greater salience as more Americans have become disaffected with governance. The critiques are many and complex. Put briefly, the critiques largely focus on three parts of the system: plurality, voter preference translation, and primaries' incentive effects.

**Plurality.** Plurality voting victories are not majority voting victories, which is problematic when more than two candidates run in an election. If, for example, three candidates run, and Candidate A gets 40 percent of the votes, Candidate B earns 35 percent of the votes, and Candidate C receives 25 percent of the votes, then Candidate A wins. This means a candidate whom most voters did not vote for is their representative. Plurality voting, then, does not apportion elected offices in line with public preferences as expressed by election results. When multiple plurality elections are held for an assembly, this “unrepresentativeness” may be further exacerbated.

**Preference Translation.** Voters inevitably favor different candidates to different degrees. For example, a voter might really like Candidate A, somewhat like Candidate B, have no feelings toward Candidate C, and detest

Candidate D. But when asked to vote, they can pick just one of them. Despite really liking Candidate A, the voter might reason that person is less likely to win than Candidate B, so they will vote for Candidate B for fear of wasting their vote. This is the “spoiler effect,” and—when sufficient voters reason this way—it produces winning candidates who are less desired. In a plurality election forcing voters to make a single choice for office, this can lead to a candidate detested by a majority winning office.

**Primaries.** A general critique of primaries is that they are not well structured to select candidates who are representative of the average voters—or even appealing to them. There are four reasons. First, primaries tend to have low voter turnout—between 20 and 25 percent—and those who participate in primaries tend to be unrepresentative of the general population.<sup>12</sup> The minority of voters who do vote in primary elections tend to be to the left or the right of the typical voter and show only modest interest in picking a candidate who appeals to a larger electorate.<sup>13</sup> This process skews the selection of candidates.

Second, interest groups invest heavily in influencing candidate selection to increase the odds the winner will promote or defend their interests once in office.<sup>14</sup>

Third, primaries discourage potential candidates who might better align with majority voter preferences from running. These individuals do not want to subject themselves to the demands of extreme voters and interest groups and contend with other unpleasant aspects of the process.<sup>15</sup>

Finally, the candidate-selection process in primaries can be gamed by the opposing party. Party A might spend money to run advertisements bolstering an extreme candidate in Party B’s primary because Party A believes said candidate will be easier to defeat in the general election. Democrats did this in several congressional races in 2022, and it worked.<sup>16</sup>

Collectively, these critiques depict the structure of the plurality voting and partisan primary system as biased toward selecting candidates who appeal to a minority of the electorate and then demanding that the average voter in general elections choose between the lesser of two evils. Even more problematic, according to critics, is that this election system discourages legislators from doing their jobs and incentivizes performative behavior that appeals to the base voters who participate in primaries.<sup>17</sup>

All of this foments needless gridlock in a Madisonian tripartite system that is designed to make policymaking difficult and is premised on diverse representatives having to collaborate and enact policies a majority of voters will like—or at least accept.

## Some Types of Systemic Election Reforms

There is a dizzying array of electoral systems for translating votes into election results, which affects representative government and its politics, parties, and policies.<sup>18</sup> Although the first-past-the-post, partisan primary system is common in present-day America, its widespread use is a mid-20th-century development.

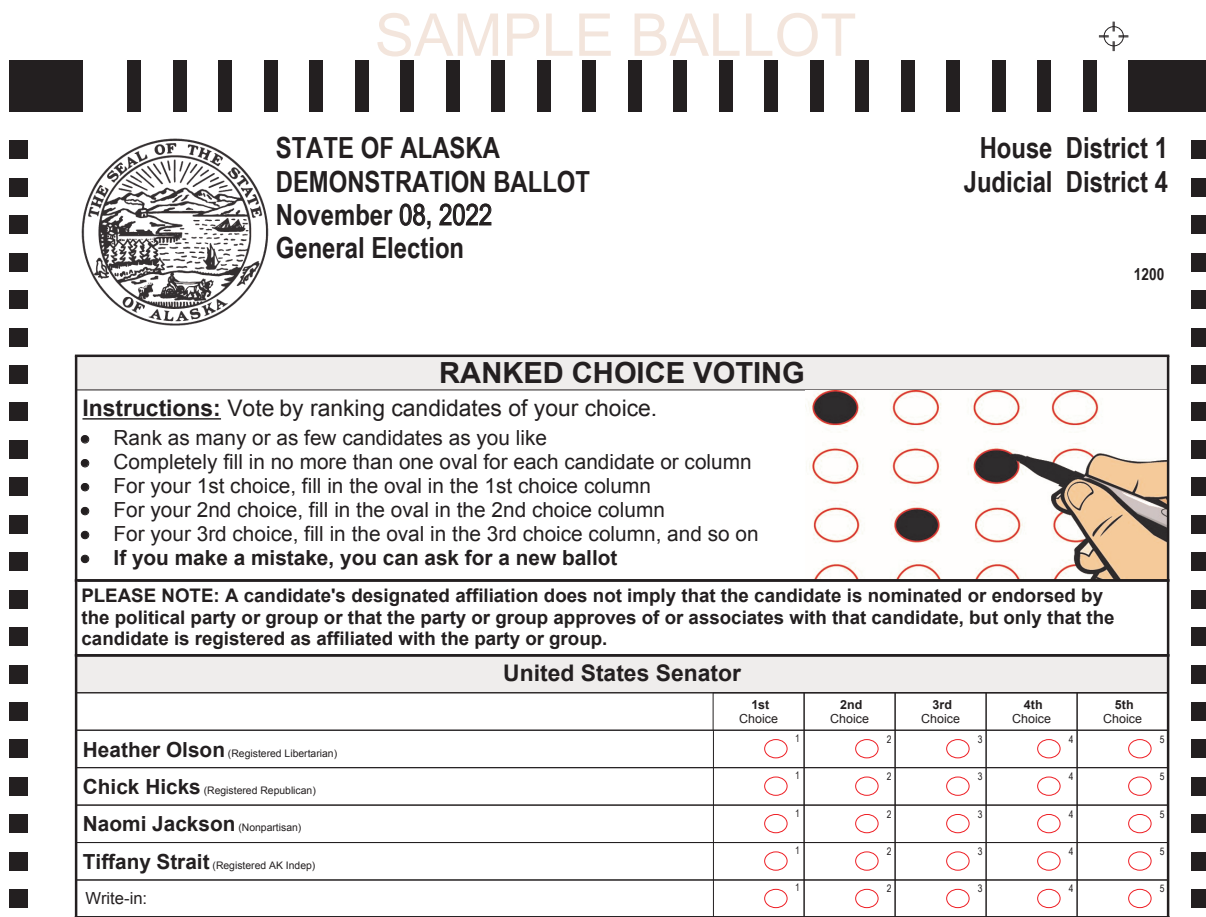
The US Constitution affords states great discretion in deciding how to conduct elections, and unsurprisingly, experimentation has been the norm rather than the exception for much of the past two centuries.<sup>19</sup> For example, in the early 19th century, some states used multimember districts to select members of Congress. Instead of the states being divided (or gerrymandered) into many small districts that were each represented by one legislator, these states had larger districts that sent the top vote getters to Congress.<sup>20</sup> To take another example, in the early 20th century, a few dozen US municipalities allowed voters to rank candidates for the same office from most to least desirable.<sup>21</sup>

Various reforms have been proposed to ameliorate or eliminate the problematic aspects of the plurality, partisan primary system. They include preferential voting, open primaries, jungle primaries and runoff elections, fusion voting, proportional representation, and nonpartisan redistricting.

**Preferential Voting.** Preferential voting allows a voter to express their preferences for more than one candidate for each office. A few of its variations include ranked-choice voting, approval voting, and “score then automatic runoff” (STAR) voting (Figure 1).

In ranked-choice voting, a voter can rank the candidates from most to least desirable. If more than half the voters rank a particular candidate first, that candidate wins. If that does not occur, the candidate with the fewest number-one rankings is eliminated, and the ballots cast for them are transferred to the candidates these voters ranked second. Variants of ranked-choice voting are used in some American states and municipalities

Figure 1. Example of a Preferential Voting Ballot, Detail



Source: State of Alaska, "State of Alaska Demonstration Ballot," <https://www.elections.alaska.gov/doc/GenRCVsampleBallot11.9.21.pdf>.

(e.g., Utah and New York City) and foreign nations (e.g., Ireland).<sup>22</sup>

Approval voting asks voters to approve each candidate on their ballot. The candidate who receives the most approvals wins the election.<sup>23</sup> Approval voting is used in Fargo, North Dakota, and recently was enacted for certain municipal elections in St. Louis, Missouri.<sup>24</sup>





STAR voting allows voters to allot points to candidates without ranking them. If, for example, five candidates are running, a voter might give five points to Candidate A, five to Candidate B, zero to Candidates C and D, and three to Candidate E. The points for each candidate are tallied, and the top two point getters move to an instant runoff. The winner is determined by looking at each ballot to see how each voter prefers the top candidates to one another. Thus, if out of 100 ballots, 51 of them rank Candidate A over Candidate B, Candidate A wins. Advocates

are seeking to enact STAR voting in several states, but to date, it is not being used.<sup>25</sup>

By permitting them to rank, approve, or score candidates, preferential voting methods enable voters to more fully express their preferences. These methods can be used in a primary or a general election or in a single preferential election, thereby eliminating the primary and its distorting effects. Advocates further argue that these preferential systems discourage extremism and toxic behavior among candidates and produce a more diverse—and therefore representative—assembly.<sup>26</sup>

**Open Primaries.** Opening primaries is a reform that would permit voters who are not affiliated with a party to participate in its primary. States vary in their policies to forbid or allow such participation. Some states (e.g., Delaware and New York) have closed primaries

**Figure 2. Example of a Jungle or Blanket Primary Ballot, Detail**

<p>“A vote for candidates for president and vice president is a vote for each of the electors supporting those candidates.”</p> <p><b>FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES VOTE FOR ONE PRESIDENTIAL CANDIDATE ONLY</b></p>	
<p><b>DEMOCRATIC PARTY</b> “ELECTORS”</p> <p>Karen Carter Peterson, At Large R. Michael McHale, Jr., At Large James Kenneth Harlan, 1st District Lisa R. Diggs, 2nd District</p> <p>Stephen Garrison Handwerk, 3rd District Larry Ferdinand, 4th District Bambi Polotzka, 5th District Dawn Collins, 6th District</p>	<p>HILLARY RODHAM CLINTON of New York</p>  <p>TIMOTHY MICHAEL KAINE of Virginia</p>
<p><b>GREEN PARTY</b> “ELECTORS”</p> <p>Morgan Moss, Jr., At Large Bart Everson, At Large Heath Walker, 1st District Anika Simone Olori, 2nd District</p> <p>Jacoby Carter, 3rd District John Perkins, 4th District David Bihelut, 5th District Romi Eisner, 6th District</p>	<p>JILL STEIN of Massachusetts</p>  <p>AJAMU BARAKA of Georgia</p>
<p><b>LIBERTARIAN PARTY</b> “ELECTORS”</p> <p>Shane Paul Landry, At Large Robert Evans, Jr., At Large Michael Dodd, 1st District Eric W. Haller, 2nd District</p> <p>Guy McLendon, 3rd District Cody A. Jennings, 4th District Keith Thompson, 5th District Evertt Chase Baudean, 6th District</p>	<p>GARY JOHNSON of New Mexico</p>  <p>BILL WELD of Massachusetts</p>
<p><b>REPUBLICAN PARTY</b> “ELECTORS”</p> <p>Garrett C. Monti, At Large Steven Scott Wilfong, At Large Christopher David Trahan, 1st District Lloyd A. Harsch, 2nd District</p> <p>Charles L. Buckels, Jr., 3rd District Louis R. Avalone, 4th District Kay Kellogg Katz, 5th District Lennie H. Rhye, 6th District</p>	<p>DONALD J. TRUMP of New York</p>  <p>MICHAEL R. PENCE of Indiana</p>
<p><b>CONSTITUTION PARTY NOMINEE</b> “ELECTORS”</p> <p>Cherée S. Bodden, At Large Malcolm B. Sommer, At Large Seoh Robert Sills, 1st District Robert T. Sims, 2nd District</p> <p>Garry R. Graf, 3rd District Peter A. Vidrine, 4th District Jimmy W. Williams, Jr., 5th District Mitchel D. Bodden, 6th District</p>	<p>DARRELL L. CASTLE of Tennessee</p> <p>SCOTT N. BRADLEY of Utah</p>
<p><b>COURAGE CHARACTER SERVICE</b> “ELECTORS”</p> <p>Tanner Garrett Milner, At Large Betsy Cooksey Parker, At Large June W. Erickson, 1st District Evan Patrick Campbell Judge, 2nd District</p> <p>Crystal J. Poppell, 4th District Whitney Lynn Keith, 5th District Sarah Joy Hayes, 6th District</p>	<p>EVAN MCMULLIN of Washington D.C.</p> <p>NATHAN JOHNSON of <del>California</del> Prince, 3rd District</p>
<p><b>IT'S OUR CHILDREN</b> “ELECTORS”</p> <p>Dylan Means, At Large Nelda Ann LeJeune, At Large Maxwell Clayton Means, 1st District Lauren Pheriche Robinson, 2nd District</p> <p>Kimberly Renee LeJeune, 3rd District Clifford Broussard, 4th District Travis Michael Daigle, 5th District Lauree McClurg, 6th District</p>	<p>LAURENCE KOTLIKOFF of Massachusetts</p> <p>EDWARD LEAMER of California</p>
<p><b>LIFE, FAMILY, CONSTITUTION</b> “ELECTORS”</p> <p>Jay Barone, At Large Michelle M. Sochia, At Large Jonathan Sochia, 1st District Laurence Arant, 2nd District</p> <p>Jeanette Marquez, 3rd District Audrey Gail Linn, 4th District Paula A. Brotton, 5th District Suzanne H. Lewis, 6th District</p>	<p>TOM HOEFLING of Iowa</p> <p>STEVE SCHULIN of South Carolina</p>
<p><b>LOYAL TRUSTWORTHY COMPASSIONATE</b> “ELECTORS”</p> <p>Kim Foster, At Large Derek Marshall, At Large Cynthia H. Palmer, 1st District Eric Foster, 2nd District</p> <p>Perry Clark, 3rd District Ryan Tarrill Blaze, 4th District Aubrey Latoya Moore, 5th District Monica Butler, 6th District</p>	<p>PRINCESS JACOB-FAMBRO of California</p> <p>MILTON L. FAMBRO, III of California</p>
<p><b>SOCIALISM AND LIBERATION</b> “ELECTORS”</p> <p>Nikole Ebonie Smith, At Large Jarett Aucoin, At Large Rebecca Hershey, 1st District Malik Hameed Rahim, 2nd District</p> <p>Kevin S. Davis, 3rd District Bryon Britton, 4th District Davin Gilmore, 5th District Yolande Yvette Gilmore, 6th District</p>	<p>GLORIA LA RIVA of California</p> <p>EUGENE PURYEAR of Washington D.C.</p>
<p><b>SOCIALISM EQUALITY ANTI-WAR</b> “ELECTORS”</p> <p>Aaron Muse, At Large Thomas A. Agnew, At Large Daniel Mark Hoppes, 1st District Julian Labat, 2nd District</p> <p>Breck A. Palumbo, 3rd District Allan R. Harris, 4th District Alice Hill, 5th District Randy J. Fauchoux, III, 6th District</p>	<p>JERRY WHITE of Michigan</p> <p>NILES NIEMUTH of Wisconsin</p>
<p><b>SOCIALIST WORKERS PARTY</b> “ELECTORS”</p> <p>Michael Terrance Howells, At Large Howard Herbert Allen, At Large Trey Brumfield, 1st District Irina McAllister, 2nd District</p> <p>James T. Blanchard, 3rd District Paul M. Opea, 4th District Shagula Sonner, 5th District Adam Allison, Jr., 6th District</p>	<p>ALYSON KENNEDY of Illinois</p> <p>OSBORNE HART of Pennsylvania</p>
<p><b>VETERANS PARTY</b> “ELECTORS”</p> <p>Robin C. Brown, At Large Joseph Landry, At Large Samuel Withorn, 1st District Patrick Danton, 2nd District</p> <p>Doyle Williams, 3rd District Kichelle Rowe, 4th District Megan Sanders, 5th District Byron J. Brown, 6th District</p>	<p>CHRIS KENISTON of Texas</p> <p>DEACON TAYLOR of Colorado</p>

Source: Advocate, “Sample Ballot (Page 1),” [https://www.theadvocate.com/sample-ballot-page-1/pdf\\_00cbcd16-9569-11e6-bc0b-ab07f06f71f4.html](https://www.theadvocate.com/sample-ballot-page-1/pdf_00cbcd16-9569-11e6-bc0b-ab07f06f71f4.html).

that expressly forbid unaffiliated voters to participate. Other states (e.g., Connecticut and Maryland) have partially closed primaries that leave the decision to the parties over who may participate. Some states (e.g., Iowa and Ohio) allow unaffiliated voters to participate in a party primary so long as they declare themselves for the party. Still other states have mostly or wholly open primaries in which any independent voters may vote in any party primary (e.g., Arizona) or voters registered with one party may vote in another party’s primary (e.g., Alabama).<sup>27</sup>

Advocates for open primaries argue that opening primaries fully reduces the disenfranchisement of voters not registered with a party and should increase voter participation. Opening primaries also expands voter choices, as anyone unhappy with their party’s candidates can shop for candidates in another party’s primary. Candidates, they suggest, will take less extreme stands because they will seek votes from voters beyond their party base.<sup>28</sup>

**Jungle Primaries and Runoff Elections.** Jungle and runoff elections take the open partisan primary concept a step further by having all candidates for an office listed on a single ballot, regardless of party, and allowing all voters to participate (Figure 2).

In Louisiana’s jungle election, each voter may pick a single candidate for an office, and the candidate who gets more than 50 percent of the votes cast is the victor. If no candidate has a majority, the top two vote getters participate in a runoff election a month later. Mississippi and Georgia employ this system for certain special elections.

In California and Washington state, there is a jungle primary followed by a general election. In the primary, voters select a single candidate for office. The top two vote getters move to the general election, in which citizens again vote for one of the two candidates, and whoever receives the most votes is the winner.

Alaska has implemented a system that combines a jungle primary followed by a ranked-choice-voting general election. In the jungle primary, a voter chooses a single candidate for an office, and the top four vote getters advance to the general election. In the general election, voters rank the candidates for each office. Legislatures in Nevada, Wisconsin, and Washington, DC, are considering proposals to enact systems that use both open primaries and ranked-choice voting.<sup>29</sup>

Proponents of jungle primaries contend these systems curb various pathologies of the first-past-the-post, partisan primary system. Forcing all candidates to compete and allowing all voters to choose among them discourages extremist candidates and toxic campaigning.<sup>30</sup> Allowing the top four or five to advance to a general election expands voter choice and can remove the spoiler effect so that independents and third-party candidates can participate in the general election.<sup>31</sup>

**Fusion Voting.** Fusion voting refers to designing electoral ballots so that an individual candidate may be nominated by more than one party. Thus, for example, a voter reading a fusion ballot might see the Democratic Party has nominated Candidate A, the Republican Party has nominated Candidate B, the Liberty Party has nominated Candidate B, and the Socialist Party has nominated Candidate A. The voter then marks the party nomination box that best expresses their views.

Proponents of fusion voting argue this modest change to ballot design can reorient the incentive structure of the current electoral system.

- (1) It eliminates the “wasted vote” or “spoiler” dilemma that plagues minor parties in our plurality-voting, single-member district system;
- (2) It allows a new minor party the chance to develop an identity with voters because it is not pretending it can win elections on its own—it needs an alliance with a major party;
- (3) It signals to candidates and elected officials from the other, usually larger party that some portion of this new fusion-party vote carries a distinct meaning, and a competent elected official will welcome that information; and
- (4) It encourages principled, positive-sum coalition-building amongst the parties which are fusing on the same candidate.<sup>32</sup>

Connecticut, New York, Oregon, and Vermont have fusion voting.<sup>33</sup> Fusion voting once was common in the United States, but it has been largely eradicated by the two major parties.<sup>34</sup> Reviving fusion voting, proponents contend, will foment the growth of additional parties, thereby expanding voter choices and encouraging the Democratic and Republican Parties and their candidates to balance the demands of their base voters with the need to attract other voters.<sup>35</sup>

**Proportional Representation.** A proportional representation system would apportion seats in an assembly to parties based on the percentage of votes they garner. In the case of the US Congress, this would mean ending the practice of a single member winning and representing each of the 435 House districts.<sup>36</sup> Instead, there would be fewer districts, and each district would elect more than one member.

Supporters of proportional representation point out that the current electoral system

[exaggerates] . . . the electoral dominance of one party over another, such that the Massachusetts congressional delegation, for example, is 100 percent Democratic, despite a third of its electorate voting Republican, and the Oklahoma delegation is 100 percent Republican, despite a third of its electorate voting Democratic.<sup>37</sup>

Proportional representation would more fairly translate voter preferences into legislative power. Advocates further contend that today’s two-party dominance of the legislature is locked in polarized, destructive competition, with each party taking extreme stands on crucial issues rather than negotiating to produce policy solutions.<sup>38</sup>

**Nonpartisan Redistricting.** In most states, legislatures decide the boundaries of districts and vote to approve them, usually along partisan lines. Nonpartisan redistricting, by contrast, tasks a commission with this work, which the legislature then may approve. The commission may or may not have members of the legislature. Presently, 13 states have commissions, the first of which was established in Arkansas in 1956.<sup>39</sup>

Advocates of nonpartisan or independent redistricting commissions frequently declare that “voters should choose their politicians, not the other way around.”<sup>40</sup> They point out that partisan legislators will naturally draw partisan election districts that increase the odds the majority party’s candidate will win. They argue that this gerrymandering is a major factor in the decreasing number of competitive elections for seats in the House of Representatives—30 of 435 in 2022, by one count.<sup>41</sup> Independent commissions that reduce politicians’ power in the process will benefit voters by creating more competitive districts where candidates have to appeal to a more diverse electorate.

## Conservatives Should Look Closely at Systemic Election Reforms

To date, the debates around systemic election reforms have been less partisan than those concerning election administration changes, for a few reasons. First, systemic reforms and efforts to enact them have occurred in a small percentage of America's states, counties, and cities. Second, the individuals advocating systemic reforms often are political independents or dissidents in one of the two major parties. Third, Democrats and Republicans newly confronted with a systemic election reform proposal often have difficulty calculating whether it will advantage their electoral chances.

Even so, the political right has shown more suspicion of systemic election reforms than has the left. The Republican National Committee, for example, adopted a resolution to oppose ranked-choice voting “across the country” in February 2023.<sup>42</sup> Similarly, GOP legislators in states such as Alabama, Arkansas, and Georgia have introduced legislation to reduce the number of voters who may participate in primaries.<sup>43</sup>

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## Conservatives have won in places that have enacted systemic election reforms.

Distrust of systemic change is understandable—and true to the conservative disposition. Reforms can go awry, and they can take years to clean up. Indeed, the mid-20th-century rush to institute partisan primaries to replace the “smoke-filled back rooms” and party conventions dominated by party leaders is just such an example.<sup>44</sup>

But the political right does itself no favors by reflexively dismissing systemic reforms or rashly pursuing blanket bans of particular systemic reforms. Doing so means defending the existing plurality, partisan primary system, which sends a bad message to the legions of voters who have lost faith in the current system.

Additionally, conservatives often complain about the outputs of the current electoral system. They argue

that the Republican Party frequently is out of touch with true conservatives.<sup>45</sup> They point to GOP officials who talk conservatively but vote year after year for more federal spending, higher deficits and debt, and further expansion of federal power over Americans' lives.<sup>46</sup> More than a few conservatives allege there is a GOP-Democrat “uniparty” in Washington, DC, and that the right needs a new party.<sup>47</sup> In 2022, conservatives watched with great dismay as liberal funders poured dark money into Republican congressional primaries to tilt the outcomes. “Candidate quality” became an issue, as the political right lost winnable congressional and state elections.<sup>48</sup>

In their rush to oppose systemic election reforms, some on the political right have errantly assumed that systemic election reforms inevitably elect more liberals. There is no evidence that this is the case. Indeed, conservatives have won in places that have enacted systemic election reforms.<sup>49</sup>

- Many counties in Utah, for example, are piloting the use of ranked-choice voting.<sup>50</sup> To date, there is no evidence that the state's ranked-choice voting experiment has advantaged liberals or confused voters, as some conservatives fear. The GOP and conservatives dominate elected offices.
- Louisiana has used jungle primaries to choose senators and members of the House of Representatives since the late 1970s. Republicans presently hold both US Senate seats and five of the state's six House seats.
- Since the mid-1930s, Nebraska has chosen its state legislators in a nonpartisan jungle primary, with the top two vote getters in each district moving to the general election. Republicans hold approximately 70 percent of the seats in the chamber. Nebraska's unicameral legislature has a reputation for enacting solidly conservative policies, and this year it passed bills cutting taxes and expanding the right to carry concealed firearms.<sup>51</sup>
- Faced with a deep-pocketed and experienced Democratic candidate, Virginia Republicans eschewed a primary, held a party convention, and used ranked-choice voting to select Youngkin as their



nominee for governor. The party did so because it feared a primary with plurality voting would produce a niche candidate who could not win in a state narrowly divided between the two major parties.<sup>52</sup> Youngkin won the race, and he subsequently has been spoken of as a possible future presidential contender.

One unsurprising but important lesson for conservatives is that different reforms will perform differently in different places. For example, a jungle primary and top-two system works well for conservatives in Nebraska; in California, this same system has made it difficult for conservatives to be elected because too high a proportion of the electorate is to the left of the GOP.

Too little noted by some conservatives are the many instances of Democrats opposing systemic election changes for fear they would advantage the right. In Washington, DC, Democrats are opposing an initiative to open DC's closed primaries and use ranked-choice voting.<sup>53</sup> Their motivation is transparent: They hold nearly all elected municipal offices, and making these changes may weaken their control. Similarly, Virginia Democrats and the left fought an effort to enact independent redistricting for fear it would dilute their majority legislative power.<sup>54</sup>

Hence, conservatives should look closely at systemic election reforms. They can begin the process by devising some evaluative questions to guide their thinking. Obviously, conservatives will be concerned about whether a reform will help or hurt efforts to elect individuals on the right. Beyond that, they might consider the following:

- Could the reform remedy or improve any of the pathologies of the current first-past-the-post, partisan primary system?
- Does the proposed system foster healthy competition among aspiring and incumbent politicians who are or would be responsive to a majority of voters?<sup>55</sup>
- Would the reform produce candidates and elected officials who are more representative of voters?
- Would the reform incentivize elected officials to do the hard work of governing in a tripartite system and

enable them to make responsible decisions on difficult issues (e.g., budget deficits)?<sup>56</sup>

- Is the method of voting and the tabulation of votes cognizable to voters?
- Would the reform impair election security, which is a concern among many conservatives?<sup>57</sup>

To fully understand the possibilities and perils of systemic reforms, conservatives will need to increase their analytical capacities. To be sure, there are some right-leaning scholars who have assessed systemic reforms; the right does not want for election law attorneys and campaign professionals who engage on issues related to the existing electoral system.<sup>58</sup> But it needs a larger corps of social scientists and analysts with the requisite methodological training to rigorously analyze the data, field voter surveys, and help conservatives locate appropriate places to pilot systemic election reforms. These same experts could review and respond to academics and elections experts, many of whom are on the political left.

Building out this systemic-elections-reform network will require a substantial conservative philanthropic investment to identify existing experts, farm young talent into election-analysis professionals, and establish positions at the appropriate research institutions. Otherwise, the political right may find itself drifting into the unenviable position of reflexively rejecting systemic election reform to the detriment of its own long-run electoral and governance interests.

## Conclusion

Today's election system looks nothing like the one used in 1900—when some voters still had completed ballots handed to them by party members—to say nothing of 1800, when voters called out their support for candidates in the presence of a magistrate. Elections are central to representative government, and each generation of Americans is obligated to think thoroughly about how elections can be structured to strengthen our constitutional government.

The present-day push for systemic election reform will not abate any time soon. Too many Americans are dissatisfied with the governance status quo and feel

they deserve better. This creates a market for reformers and would-be reformers, which is being funded by substantial philanthropic investments.

The political right is not wrong to worry that systemic election reforms could threaten its electoral prospects or create unforeseen negative consequences. Yet reflexively opposing systemic reforms effectively ignores the significant public dismay with governance in America.

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It also turns a blind eye to the fact that the present out-sized federal government and sorry state of policymaking are partly products of the present electoral system.

Accordingly, conservatives should more seriously engage with systemic election reforms. Whatever perils systemic reforms may bring, they also come with opportunities. Figuring out how to avoid the former and seize the latter is a crucial governance challenge.

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