



How Election Reforms Spread

MAY 7, 2019

Avi Green

To improve American governance, an increasing number of civic leaders, philanthropists, and organizations have come to support ranked choice voting. Reformers like these — as well as others working to change redistricting rules, abolish the electoral college, modernize voter registration, and more — face difficult choices in how best to use resources. It is useful to consider a key question: what strategies help reforms spread from a few cities or states towards national enactment?

The history of the past half-century shows four options.

Path 1: Pick a side. When elected policymakers believe their power is secure, they rarely reach for election reforms. After all, by definition, election reforms alter the rules of the game, and policymakers who have been consistently winning under a given set of rules have little reason to change them. However, when a party has a new or weak grasp on power, party leaders like presidents, governors, and legislative majority leaders can pursue reforms to strengthen their chances of keeping power. Consider the presidencies of Barack Obama and Bill Clinton. In 2009, after securing large majorities in the House and Senate, and comfortably winning the presidency, Democrats chose not to prioritize election reforms. By contrast, after the 1992 elections, when Clinton won just 43 percent of the popular vote and Democrats saw their majorities reduced in both the House and Senate, they quickly passed the National Voter Registration Act of 1993, often called Motor Voter. At the state level, the same trend holds. In recent years, when Republicans have won control of a state's upper and lower legislative chambers and its governor's office, they have often passed voter ID laws. In similar situations, Democrats have enacted laws like Election Day registration and automatic voter registration.

Path 2: Work the middle. By reaching out to possible supporters across the political spectrum, reformers can try to put together bipartisan coalitions to pass reforms. The Bipartisan Campaign Reform Act of 2002, championed by Russ Feingold from the left and the late John McCain from the right, is perhaps the most famous recent example of this approach. Yet as the United States has seen increasing polarization and party unity, this path may be increasingly closed off. To the extent that this route still works, it will be for legislation with overwhelming supermajority support.

Path 3: Take it straight to the people. Organized groups — especially groups with money — can take advantage of opportunities in about 20 states to bypass legislatures and go straight to voters. Consider the case of term limits. Promoted in the 1990s by groups like U.S. Term Limits, legislative term limits exist in virtually every state where ballot measures or state constitutional amendments could bypass the legislature... and almost nowhere else. Winning ballot initiatives, though, is not the end. Just like legislative victories, ballot initiative wins often require vigilant support to ensure effective implementation and to avoid repeal.

Path 4: Win in court. Supreme Court decisions can reshape elections rules. Among many important decisions, *Reynolds v. Sims* in the 1960s ruled that state legislative districts must contain equal populations. In more recent years, the Court has ruled unconstitutional a significant part of the Voting Rights Act of 1965 and given corporations and individuals new ways to spend funds in elections. Notably for ranked choice voting supporters, the Supreme Court is highly unlikely to mandate the reform, but is reasonably likely to let it stand

in any place where it is enacted, as it has so far with Maine.

Choose Carefully. In an era of deep polarization and highly competitive elections, it is far from obvious which path is wisest for reformers. Perhaps reformers can successfully go down different paths in different states — but this is far from certain. Convincing Democrats at the state or national level to include a reform like ranked choice voting in their agenda may make similar support from Republicans less likely, and vice versa. Short term decisions — like which states to focus on first or which path to employ in a given state — can have long term implications, making some options easier and closing off others. While Tip O’Neill famously quipped that “all politics is local,” in the United States today, politics is increasingly national. Reformers would be wise to keep this in mind.

[Avi Green](#) is the executive director of the Scholars Strategy Network. You can contact him at avi@scholars.org.

Read More

[Larry J. Diamond](#) and [Jack Santucci](#), *[How Ranked-Choice Voting Could Empower Independents and Make American Elections More Inclusive](#)*

[Zoltan Hajnal](#), *[No Jargon Episode 65: Timing is Everything](#)*

[Didi Kuo](#), *[What History Teaches About Reforming U.S. Political Parties and Governance](#)*