

IN DEFENSE OF PARTISAN ELECTIONS

by Gary D. Allison

Executive Summary

Strong parties and partisan elections are essential for enabling democracies to generate principled political debates and govern coherently for the common good. Unfortunately, over the last Century governments at all levels in the United States have acted to reduce the power and influence of political parties on elections and governance. The result has been increased factionalism driven by single issue grassroots organizations and special economic interest political action committees which coalesce around free-agent candidates for public office. This factionalism has led to divisive, unstable, incoherent governing that too often produces laws and policies that benefit special interests to the detriment of the common good.

The City of Tulsa has been buffeted by these electoral trends. For many years, special economic interests were able to control city elections because the old Commission form of government required every person serving in the city's legislative branch to be elected through city-wide elections. The expense and organizational challenges of these elections enabled these special economic interests to overwhelm counter forces within political parties and other segments within Tulsa's citizenry.

Replacing the city commission with a city council comprised of councilors elected from geographic districts has changed the balance of power between Tulsa's traditional economic powers and their opponents. The fundraising and organizational requirements to elect councilors from geographic districts are much lower than they are to elect a person who must win a city-wide election. As a consequence, persons who support policies opposed or ignored by Tulsa's traditional economic powers have a chance to elect councilors who will fight for their agenda.

Representation within the city council of forces other than Tulsa's economic traditional powers has forced public debates on issues that should have been debated years ago. Unfortunately, the weakness of political parties has caused these debates to occur after councilors are elected by the support of diverse groups to whom they must be rigidly loyal in order to stay in office. Under these circumstances, compromise is difficult to achieve because each elected city official has a unique constituency to whom he/she must be loyal.

If parties were stronger, and had more influence on elections, persons wishing to influence the outcomes of city elections would have to work within the parties to form broad-based electoral coalitions comprised of forces which have compromised their differences into coherent governing agendas. Voters would be asked to choose between two major coherent governing agendas that would less far apart than the polar extremes currently advocated for by Tulsa's traditional economic powers and their opponents. It would be unlikely that a party's candidate for mayor would espouse policies different from the policies espoused by many of the party's candidates for city council. As consequence, city elections would produce a city government with a structure that would give the winning coalition a real chance to implement its policy preferences with a minimum of friction and delay. More importantly, the winning coalition's governing agenda would contain a myriad of compromises, because a great number of policy differences would have been worked out in advance and would not have to be fought over in bitter public legislative battles within the city council.

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Non-partisan elections now advocated for by many within Tulsa's traditional economic powers will only exacerbate the factionalism that currently plagues city government. They will destroy whatever power the political parties currently have to make elections public debates about coherent policies and to reduce the number of serious candidates running to a manageable size.

As a consequence, primary elections will feature a large number of candidates vying for a single office, since every candidate will be put into a common primary election instead of running in party primaries. Any person who believes he/she could appeal successfully to a combination of special interests sufficient to garner 15-25% of the vote has an incentive to run because he/she could become a general election candidate. Under these circumstances, all candidates will have the incentive to be the type of free-agent candidate who will mortgage his/her policy-making to special interests. Moreover, it is predictable that voter turnout will decline with the electorate increasingly being comprised of voters who are themselves a part of special interest groups. Needless to say, the governments produced by these non-partisan elections will quite likely be less coherent and more divisive than any Tulsa has ever experienced.

Supportive Analysis

There is considerable consensus among leading political scientists that strong political parties and partisan elections are the prerequisites for a flourishing democracy that generates principled political debate and governs coherently for the common good. Strong parties and partisan elections facilitate principled political debate and coherent governing for the common good because they “aspire[] to accept everyone . . . , attempt[] to make decisions designed to withstand the test of time, and play[] a critical governance role of sustaining the election period, the transfer of power, and the making of public policy.”¹

To be viable politically over the long-term, parties “must be answerable to the quality of their decisions.”² Partisan accountability “increase[s] the likelihood that [parties] will seek

¹ Peter Kobra, COZY POLITICS: POLITICAL PARTIES, CAMPAIGN FINANCE, AND COMPROMISED GOVERNANCE 64-65 (Lynne Rienner Publishers, Inc. 2002).

² *Id.* at 56.

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solutions closer to the public interest.”³ The parties’ inclusiveness creates “an obstacle to factional domination of government.”⁴ Parties also represent the views of their members, thereby forming links between citizens and government that “provide[] an opportunity for voters to express their preferences through their party intermediaries”⁵ At the same time, in the interest of winning elections parties and their leaders often tread a moderate line between the views of their members and the views of less partisan voters.⁶ In sum, strong parties

enable citizens to participate coherently in a complex system of government, allowing for substantial number of popularly elected offices. They bring fractured and diverse groups together as a unified force, provide a necessary link between the distinct branches and levels of government, and provide continuity that lasts beyond terms of office. Parties also play important roles in encouraging active participation in politics, . . . holding politicians accountable for their actions, and encouraging debate and discussion of important issues.⁷

During the Twentieth Century, governments at all levels have taken steps to reduce the power and influence of political parties. These steps have included the initiation of primary elections, attempts to force parties to permit non-members to vote in their primary elections, and non-partisan elections.⁸ As a result, the ability of parties to hold candidates accountable to party principles has declined, thereby making it difficult for parties to build up loyal party membership and to perform the critical task of discouraging factional government.⁹

³ *Id.*

⁴ *Id.* at 56-57.

⁵ *Id.* at 58-59.

⁶ *Id.* at 90-91.

⁷ Brief of Amicus Curiae Northern California Committee for Party Renewal et. al., at 15, file in *California Democratic Party v. Jones*, 530 U.S. 567 (2000).

⁸ See Gary D. Allison, *Protecting Party Purity in the Selection of Nominees for Public Office: The Supremes Strike Down California’s Blanket Primaries and Endanger the Open Primaries of Many States*, 36 TULSA L.J. 64-70 (2000).

⁹ See, *Kobruk*, *supra* n. 1, at 64-65.

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Self-anointed candidates run for office with the help of single-issue ideological grassroots organizations and political action committees of vested special economic interest groups.¹⁰ Too often, self-anointed candidates who were nominated and elected have not been well-liked by party activists, the primary election electorate and even the general election electorate because they took positions to satisfy politically powerful grassroots organizations and special economic interests that were not consistent with the common good and at variance with views of the general public and party activists.¹¹

In this political environment, candidates engage in the worst sort of factionalism by cobbling together their own entrepreneurial campaign networks that consist of unique blends of single issue ideological organizations and special economic interests.¹² Legislative bodies comprised of such free-agent members have tended to be plagued by “unstable, shifting and chaotic” voting majorities that have great difficulty establishing public policy with “long-term consistency or clarity of principle.”¹³

Needless to say, electoral systems that break down party power in ways that lead to the factionalism described above discourage voter participation. They do so by making it easier for unaffiliated voters to participate in primary elections, thereby increasing the numbers of voters who register as independents.¹⁴ A recent study by George Mason’s History News Network

¹⁰ *Id.* at 91-95.

¹¹ *Id.*

¹² *Id.* at 65-69, 109-125. See also, Allison, *supra* n. 8, at 109, 114.

¹³ John H. Aldrich, WHY PARTIES? THE ORIGIN AND TRANSFORMATION OF PARTY POLITICS IN AMERICA 70-77 (1995). See also, Jack Wardlaw, *Party Lines Remained Blurred: Foster Reinforces Trend in Louisiana Politics*, TIMES-PICAYUNE, Nov. 1, 1999, at A1; *Amicus Curiae Brief*, *supra* n. 7, at 16.

¹⁴ See Michael Grunwald, *Voters Shunning Party Identification, Loyalty*, WASHINGTON POST, January 03, 1999, A01 (final ed.)

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confirms that voting participation rates of registered independents are much lower than those of loyal Democrats and loyal Republicans.¹⁵ Specifically, this study found that:

Americans who today have a party loyalty and an awareness of the parties have a voting rate more than twice that of those who call themselves independents and who cannot find words with which to describe the parties. That was true also in the 1950s. The difference today is that the percentage of citizens in the high-voting group is much smaller and the percentage in the low-voting group is much larger than in the 1950s. The type of citizen that votes less often has been gradually replacing the type that votes more often.¹⁶

The electoral and governing problems outlined above cannot be cured by mandating non-partisan elections. Non-partisan elections will only exacerbate these problems by further weakening political parties. For proof of this assertion, one need only to look at the woeful governments produced by Louisiana's blanket primary, which allows candidates to run under a party label but lumps all candidates into the same type of common primary pool that is the hallmark of non-partisan elections. In an article I published in 2000, my research produced the following description of Louisiana's dysfunctional elections and governments:

Governor's primaries have drawn such crowded fields that persons have been voted into the general election with a vote total in the low thirties. The last five governors produced by this system have been political mavericks not known for the ability to produce a cohesive governing coalition. Worse yet, the corrupt Edwin Edwards won twice during this period, and the 1991 governor's primary, occurring during a time of economic stress, gave the public a choice between a crook and a neo-Nazi [David Duke, a former Grand Dragon of Ku Klux Klan].

Meanwhile, on the legislative side, the safe district syndrome and special interest politics appear to have expanded. Congressional races have become almost entirely non-competitive, and the State legislature seems to function through the formation of ad hoc majorities organized by special economic interests rather a coherent governing coalition borne of political parties organized to promote competing visions of a stable governing philosophy. Not only has Louisiana's blanket primary not produced the greater choices of candidates and ideas . . . , but

¹⁵ Thomas E. Patterson, *Where Have All the Voters Gone?*, in GEORGE MASON UNIVERSITY'S HISTORY NEWS NETWORK: BECAUSE THE PAST IS THE PRESENT, AND THE FUTURE TOO, <http://hnn.us/articles/1104.html>, (Nov. 18, 2002).

¹⁶ *Id.*

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the legislature has become vulnerable to the problem of shifting majorities that prompted Madison and Hamilton to form the nation's first two major parties.¹⁷

There is little reason to believe that Tulsa's non-partisan primary would produce any better results than Louisiana's blanket primary. Indeed, in the recent past, Tulsa experienced a wide-open winner-take-all common pool mayor's race in which nearly 50 candidates competed. More recently, the breakdown in party discipline within the Republican Party produced a multiple candidate primary field in which Chris Medlock, a person widely believed to be a fringe candidate, received enough votes through special interest appeal to have won if the field had been larger or Randi Miller had taken away more of Bill LaFortune's natural votes.

Moreover, it is simply not possible to cure the current factionalism plaguing the city council by further weakening political parties. Non-partisan primaries will further reduce the vote total needed by persons to get into general elections for city council seats. This will increase the power of special interests and narrow the number of special interests a candidate must win over to become a councilor. As a result, our future city councils may well be dominated by members who represent interests that have little in common and little inclination to allow their views to be compromised.

¹⁷ Allison, *supra* n. 8, at 113-114 (footnotes omitted).