They're With Me:
Signaling Policy Credentials
Through Ballot Fusion

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A candidate running as a Democrat will surely be considered by a typical voter to be left-of-center on a unidimensional ideological space, even if the voter knows nothing of the candidate's views other than their party affiliation. Yet what if that same Democrat is also listed as the candidate for another party, a practice known as ballot fusion? The presence of additional party endorsements may compound (e.g., Democratic + Social Democrats USA) or moderate (e.g., Democratic + Independent) perceptions of a candidate's liberalism relative to where voters would place the candidate if they ran under only the Democratic Party label. Indeed, supporters and critics of ballot fusion alike point to potential for minor parties to influence perceptions about the major party candidate on the ballot as evidence that the practice is good – or bad – for democracy. Yet party labels are only effective cues if they cross a minimum threshold level of familiarity and/or send a clear ideological signal (e.g., Coan, et al. 2008; Lupia and McCubbins 1998). While previous research has evaluated the potential for ballot fusion to influence voter impressions (e.g., Loepp and Melusky 2022), here we evaluate the potential for ballot fusion to signal to voters a candidate's policy priorities and competence - what we call *policy credentials*. The research design offers important insights concerning both the behavioral effects of ballot fusion.

I.   Introduction

In 2014, then-Governor of New York Andrew Cuomo faced an unexpectedly tough primary challenge from law professor Zephyr Teachout in his reelection bid. Seeking to garner the support of women voters and signal his support for the Women's Equality Act,[1] Cuomo founded and financed (largely through a loan from his 2014 reelection campaign) the *Women's Equality Party*. This legitimate process was facilitated by New York's electoral fusion laws, which allow candidates to be cross-endorsed by multiple parties and combine the votes across individual party ballot lines to count toward a candidate's overall vote count. In an email to this new party's supporters, Cuomo noted "I'm a man who has seen Albany disregard women, and I'm sick of it," and asked them to vote for him on the Women's Equality Party ballot line. With the endorsement and support of this new minor party, Cuomo and his running mate Kathy Hochul embarked on a tour of the state aboard a pink-and-blue striped campaign bus aptly named the "Women's Equality Express" (Bellafante 2018). These efforts ultimately were criticized by Teachout (who garnered only one-third of the vote) noting that "Governor Cuomo thinks he can buy women's votes by cynically creating a new party to advertise values he hasn't fought for in office…a real Democrat would have already passed the Women's Equality Act and would be fighting for paid family leave" (Grim 2021).

Creating and being cross-endorsed by the Women's Equality Party on the ballot served two key functions for Cuomo. First, associating with a minor party with such a narrowly focused and easily understandable name was aimed at attracting voters sympathetic to women's equality. Second, this association was made as a hedge against another minor party with a similar-sounding name: the Working Families Party, which had been fighting for paid sick leave and other causes vital to women's lives for many years. Early in the 2014 primary season, the Working Families Party considered endorsing Teachout, and this association further served to peel off votes from the Working Families Party (Grim 2021).[2]

Although Cuomo was rightly criticized by his opponent for blatant pandering through the creation and cross-endorsement of this minor party, what explains the underlying process which Cuomo hoped to exploit? A candidate running as a Democrat will surely be considered by a typical voter to be left-of-center on a unidimensional ideological space, even if the voter knows nothing of the candidate's views other than their party affiliation. Yet, through the process of ballot fusion, what if that same Democrat is also listed as the candidate for another party? The

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[1] The Women's Equality Act was a collection of legislation initially introduced and supported by Cuomo in 2012 to strengthen and expand protections for women in the areas of equal pay and sex discrimination. These initial efforts stalled after Cuomo and its supporters in the legislature pushed for a clause codifying *Roe v. Wade* despite the Republican-led New York State Senate's refusal to include the clause. Yet, a year after former Governor Cuomo made this a focal point in his re-election campaign, the majority of this legislative package quickly passed in the subsequent legislative session (Nahmias 2015).

[2] Ultimately, upon securing a set of promises from Cuomo and the Working Families Party ended up endorsing Cuomo, though many of these promises were subsequently broken during his subsequent turn resulting in the Working Families Party endorsing Cynthia Nixon in 2018 and sparking a legal battle over the future of fusion balloting in New York (Grim 2021).

presence of additional party endorsements may compound (e.g., Democratic +Women's Equality Party)[3] or moderate (e.g., Democratic + Independent) perceptions of a candidate's liberalism relative to where voters would place the candidate if they ran under only the Democratic Party label.

While previous research has evaluated the potential for ballot fusion to influence voter impressions (e.g., Loepp and Melusky 2022), here we evaluate the potential for ballot fusion to signal to voters a candidate's policy priorities and competence - what we call *policy credentials*. In the following pages, we summarize the extant literature related to fusion voting, develop a theory of when and how policy-based minor parties can through the act of fusion impact voters perception updating about major party candidates, and present our prototype survey instrument. We close by commenting on the potential directions this research design could take and speculate about what a large-scale research design will look like. To this end, we welcome any and all feedback from discussants and panel attendees at this conference.

II.   Ballot Fusion: An Overview

Ballot fusion, cross-endorsement, or open balloting is the process by which one political party endorses another party's candidate for the same office in the same election. Through much of the late 19th century, ballot fusion constituted a significant feature of ballot construction particularly in the Midwest and West (Argersinger 1980), yet the major parties have worked since the 1890s to limit the use of ballot fusion to dampen the influence of minor-party activity (Argersinger 1980; Morse and Gass 2006). As such, today fusion is only permitted in eight states, though while permitted in Idaho and Mississippi, fusion voting does not occur in practice (Adams 2013) and in Delaware fusion is permitted through the use of convention nominations as nothing in state law prohibits a minor party from nominating by convention in August a candidate expected to win in a major party's September primary (National Open Ballot Project 2007). In the vast majority of the other states, fusion is either directly banned in general elections (e.g. explicitly banning nomination by multiple parties) or indirectly banned by preventing nominees who advanced beyond the primary stage from accepting the endorsement of other parties in the general election (e.g. requiring that candidates be members of the nominating party, and thus bans fusion since candidates can only be members of one political party). Even where fusion is technically permitted, engaging in this practice can be difficult. For instance, in Connecticut, state law allows for a candidate to be endorsed by more than one *official* political party. Yet, to become an official political party, the party must run an independent candidate in a gubernatorial

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[3] There is however a risk to cross-endorsing with minor parties. When Cuomo was cross-endorsed by the Women's Equality Party and conducted his statewide bus tour, some voters found this duplicitous, given the rampant culture of sexual harassment that had been permitted to fester for so long in the state capital - a rather ironic foreshadowing of the end of his tenure in office (Bellafante 2018). Fusion with the "wrong" parties could result in an electoral backlash of sorts whereby voters punish their own party candidate for associating with an unacceptable electoral partner.

race and win 20% of the vote, a difficult threshold for new minor parties seeking to cross-endorse with candidates already endorsed by existing official parties (Berger 2004). The variation in use of ballot fusion is summarized in Table 1.

Table 1: Ballot Fusion Use by State (2021)

Fusion States:	Direct Ban States:	Indirect Ban States:
CT, DE, ID, MS, NY, OR, SC, VT	AL, AZ, AR, GA, HI, IN, IA, KS, KY, MI, MN, MO, MT, NE, NJ, NM, ND, PA, RI, SD, TN, TX, UT, VA, WA, WI, WY	AK, CA, CO, FL, IL, LA, ME, MD, MA, NV, NJ, NC, OH, OK, WV
Source: National Open Ballot Project (2021), "Fusion State by State" <u>http://www.nmef.org/statebystate.htm</u>		

In states permitting ballot fusion, candidates must consent to being cross-endorsed with another political party and there are no restrictions on which parties can engage in this practice (Adams 2013). Functionally, fusion takes two different forms: In Connecticut, New York, and South Carolina, candidates endorsed by multiple parties, receive an individual ballot position for *each* endorsing party, the candidate's total votes are the sum of the votes on each party's ballot added together. In other states like Oregon and Vermont, candidates receive one ballot position with the name of all endorsing parties appearing next to the candidate's name (Adams 2013). To prevent candidates defeated in primary elections from running in the general election as minor party's nominees, Oregon, South Carolina, and Vermont utilize "sore loser" laws that inhibit or prohibit candidates who lose primary elections from running as independents or as nominees from another third party in the general election.

Although the use of ballot fusion is much more limited today due to the efforts of the major parties to dilute the influence of minor-parties, it provides several key benefits to both the parties (major and minor) where ballot fusion does exist. Fusion can permit minor parties to have a role in shaping their state's politics as 1) they can play "spoiler" by nominating their own candidate instead of cross-endorsing a major party candidate, 2) making or withholding their cross-endorsement to influence a major party, and 3) offering ballot access to a candidate who was denied a major party endorsement (Colby and White 1985). Minor parties which decide to nominate and run their own candidates and forego cross-endorsing a major party candidate, can potentially attract enough votes away from a major party candidate, splitting the vote and "spoiling" the election (Spitzer 2001) (though minor parties have less ability to actually be "spoilers" than is commonly believed (Michelson and Susin 2004)). Minor parties further can nominate a candidate before one of the major parties to try and influence their choice of nominee (Spitzer 1985).

Altogether, doing so provides minor parties leverage for lobbying major parties to request policy changes as the candidate once elected should recognize that a portion of their votes came from the minor party group and appropriately respond to its issues (Michelson and Susin 2004). Ultimately, for minor parties, cross-endorsing with a major party allows them to have their party name on the ballot, providing both increased legitimacy with voters and the opportunity for advertising the third party which could increase the vote the non-fused candidates receive in other/future races (Tamas and Hindman 2014). However, recent evidence suggests that cross-endorsements rather tend to help major parties co-opt minor parties (Tamas 2017). Rather, major parties which might be facing strong political opposition can fuse with a minor party and increase their chance of winning the election through the addition of the minor party's voters.

Beyond the benefits ballot fusion affords the major and minor parties, it further provides several key benefits for voters. For voters who prefer the platform advanced by a minor party yet who are averse to "wasting their vote" on a candidate which traditionally has a poor chance of winning due to the use of winner-take-all elections (Downs 1957), fusion can resolve this conflict. Candidates which are cross-endorsed with a major party naturally are more likely to be a potential winner, and thus removes the psychological barrier of wasting their vote (Scarrow 1983). Some studies argue that in eliminating the problem of wasted votes, use of fusion balloting significantly increases voter turnout, as citizens feel they have more options available to them (Spitzner 2001). Further, as noted by Justice Stevens, given that political parties are guaranteed a freedom of association under the First Amendment of the U.S. Constitution, parties thus have a fundamental right to identify and select candidates who best represent their ideology and preferences. Thus, advocates assert, ballot fusion promotes effective minor parties, helps mobilize voters, and gives motivated groups of voters influence over specific issues (Center for State Innovation 2011).

III.   Priming Voters Through Fusion: Policy Priorities and Competence

Scholars have long-documented a basic premise of cognition: information about a candidates' party affiliations (or endorsements) helps shape voters' opinion of the candidates (Mondak, 1993) and their issue positions (e.g., Conover and Feldman 1989; Feldman and Conover 1983). Individuals' opinions about policy proposals change substantially when they are provided with information about party positions (e.g., Cohen 2003; Lau and Redlawsk 2001). In comparing the effect of party cues with policy information, the relative effect of policy information is often underestimated as only sparse information is provided. When substantial policy information is available, party cues are influential but policy information generally matters at least as much (Bullock 2011).

However, voter attitudes can also be influenced by information that primes them to elevate certain policy considerations over others (e.g., Zaller 1992, Miller and Krosnick 2000). Attitude formation is correlated with "the ease in which instances or associations could be brought to mind'' (Tversky and Kahneman 1973). Much of the scholarship on priming focuses

on media effects. If the media focus extensively on issues related to, say, healthcare, then voters will consider healthcare to be a more important policy to integrate into their voting calculus. As Iyengar and Kinder (1987) put it, "By calling attention to some matters while ignoring others, television news influences the standards by which governments, presidents, policies and candidates for public office are judged."

We posit that priming can occur on ballots, as well. In instances of direct democracy, state ballot measures increased the salience of policy issues when evaluating candidates on the same ballot and makes the primed issue the most important factor influencing candidate choice (e.g., Donovan, Tolbert, and Smith 2008). Minor parties are often crafted to advocate for a specific policy position, and signal as much through their names. For instance, the "Cut Taxes Now Party," "Save Medicare Party," and "Women's Rights Party" each signal not only a policy priority but a policy *view*. Similar to instance of direct democracy where policy issues are on a ballot, voters perusing a ballot containing these three minor parties may be more likely to consider issues like taxation, social safety nets, and gender equality as they make their vote choice than they would if the minor parties were not present on the ballot.[4] By extension, under ballot fusion major party candidates fused to these minor parties may be perceived as more sympathetic to a minor party's policy interest because the ballot serves as an endorsement vehicle. Similarly, major party candidates may be perceived as better able to enact policy change as a result of fusion because the minor party endorsement implies a confidence that the major party candidate will, if elected, successfully advocate for the minor party's policy interest.

Politicians appear to subscribe to this logic. In New York, minor parties are often created by candidates in order to send a message to voters. For example, in 1994 George Pataki created the "Tax Cut Now" Party in an effort to appeal to non-Republican voters who felt taxes were too high. On Election Day, the Tax Cut Now Party garnered 54,040 votes for Pataki, who also collected 328,605 votes from the Conservative Party line of the ballot, in addition to the 2,156,057 votes he earned on the Republican Party line. Together, these tallies led Pataki to defeat Democratic nominee Mario Cuomo (Schneier and Murtaugh 2001). In short, being cross-endorsed with a minor party with a clear policy signal can signal to voters the candidate's potential stance on particular policy issues or ideological disposition. By associating themselves with particular policy positions *in the voting booth*, candidates may through ballot fusion compel voters to perceive them to hold certain policy priorities and capable of delivering on them.

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[4] A significant body of literature has attempted to determine how many voters are late-deciding voters and come to a decision for whom to vote for in the two weeks prior to and including election day (e.g. Berelson et al. 1954; Gopoian and Hadjiharalambous 1994; McAllister 2002). Although differing estimates for elections from the 1940's through contemporary elections indicate that between 10-24% of the electorate were late-deciders, what it is clear is that there are still many voters who do not make up their minds until just before or on Election Day. By deciding late, these voters have the potential to exert tremendous on the outcome of even a moderately close election contests.

Summary: Empirical Expectations

In the preceding sections we introduced ballot fusion and argued that the practice can serve to prime voters about politicians' policy credentials in the voting booth. More specifically, we plan to explore the following expectations in this project, that in the absence of other signals:

H1: Individuals will consider a major party candidate fused with a policy-specific minor party to be more competent in that policy domain than a major party candidate not fused with the policy-specific minor party

H2: Individuals will consider a major party candidate fused with a policy-specific minor party to be more focused on that policy domain than a major party candidate not fused with the policy-specific minor party

H3: Independent voters will be more susceptible to fusion effects than partisan voters

IV.   The Survey Experiment

Sample

We will recruit subjects to participate in the experiment using Amazon's Mechanical Turk program (MTurk). The platform generates samples as representative as other methods for recruiting subjects to participate in political studies (e.g., Berinsky, Huber, and Lenz 2012; Paolacci, Chandler, and Ipeirotis 2010), and treatment effects obtained through experiments conducted using MTurk are similar to effects obtained from population-based samples (Mullinix et al. 2015). In a comparison of MTurk and ANES samples, Clifford, Jewell, and Waggoner (2015) found that research results were "substantively nearly identical across samples, indicating that a researcher would draw largely the same conclusions if they chose to sample from MTurk, rather than rely on the ANES" (6-7). To further validate our sample, we shall employ a screening procedure to filter out unqualified respondents such as non-U.S. IP addresses and individuals with extremely high rates of accepted work.[5]

Given that most of the case studies and court cases related to ballot fusion come out of New York, where most of the parties we describe in this project were created, we see value in centering this project on New Yorkers who are actually voting using ballots that contain many of the minor parties we discuss. As such, we intend to recruit ~1000 subjects for this experiment from New York.

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[5] Workers in this online marketplace submit tasks that are evaluated by social scientists (and other Requesters) who "accept" or "reject" each respondent's submission. A Worker's rate of task acceptance is frequently used as a proxy for Worker quality. We thus limited this survey only to Workers with an acceptance rate of at least 90% on previous work.

Experimental Protocol

Respondents will be randomly assigned to one of the eight conditions below. Note that bolded party labels in the same column indicate fusion; that is, the same candidate will be running under both party labels.

Economic Domain (Republican Issue Minor Party)		Social domain (Republican Issue Minor Party)		Economic Domain (Democratic Issue Minor Party)		Social domain (Democratic Issue Minor Party)	
(1) Control – no fusion	*(2) Rep. fusion*	*(3) Control – no fusion*	*(4) Dem. fusion*	*(5) Control – no fusion*	*(6) Dem. fusion*	*(7) Control – no fusion*	*(8) Dem. fusion*
Democrat	Democrat	Democrat	Democrat	Democrat	**Democrat**	Democrat	**Democrat**
Republican	**Republican**	Republican	**Republican**	Republican	Republican	Republican	Republican
Libertarian	Libertarian	Libertarian	Libertarian	Libertarian	Libertarian	Libertarian	Libertarian
Reform	Reform	Reform	Reform	Reform	Reform	Reform	Reform
Independence	Independence	Independence	Independence	Independence	Independence	Independence	Independence
Tax Cut Now	**Tax Cut Now**	Tax Cut Now	Tax Cut Now	Rent Is Too Damn High	**Rent Is Too Damn High**	Rent Is Too Damn High	Rent Is Too Damn High
Right to Life	Right to Life	Right to Life	**Right to Life**	Women's Equality	Women's Equality	Women's Equality	**Women's Equality**

Dependent Variables Overview:

Primary variables:

- Measures of perceived policy priorities:
  - Option: R given list (in random order) of three policy areas (economic issues, social issues, foreign policy) and asked to order them in terms of what they think will be each candidate's first, second, and third legislative priority

- - - ○ Option: R asked to select what they think the each candidates top priority will be if elected (economic issues, social issues, foreign policy)
    - ○ Option: R asked to select what they think the each candidates top priority will be if elected (specific issues like taxation, abortion, or treaties)
  - Measures of policy competence:
    - R asked indicate their view of each candidate's ability to successfully sponsor a bill in each policy domain, where "1" = extremely unlikely and "7" = extremely likely

Additional variables:

- Interaction variables
  - ○ R's PID and ideology
  - ○ Feeling thermometers
- (Potential) DVs:
  - ○ Perceived candidate ideology (all candidates)
  - ○ R's personal policy priorities
  - ○ Party familiarity (all parties)
  - ○ Vote choice
- Other:
  - ○ (Unseen) timers to measure time spent on experimental tasks

V. *WPSA Conversation*

We are excited to hear feedback from the WPSA panel about this research design. We are particularly interested about the following inquiries we have been discussing in recent months:

1) Sample and Design

- a) **Is the sample appropriate?**
  - i) Discussion: We plan to conduct this experiment with a sample of voters from New York state, as it is a hub for fusion ballot activity in the United States. These voters encounter fusion ballots all the time. We are also interested in conducting the experiment in a non-fusion state elsewhere in the country (perhaps in the Midwest or Mountain West), so we can compare the priming effects in two different fusion environments. Do the gains from single-state samples outweigh costs in terms of generalizability and utility of the study?
- b) **With emphasis on priming, would control conditions simply omit minor parties altogether create a potential Type 1 error issue?**
  - i) Discussion: One specification of a priming study would be to have a control condition in which no policy-specific minor parties are present at all (fused or unfused with major party candidates), plus "second control" condition where

minor parties are present but not fused with major parties. Presently, the table above contains only this "second control" specification. Adding a more basic control condition with no policy-specific minor parties *at all* has the benefit of likely boosting treatment effects when compared to other conditions; however, it does add expense, and could also potentially induce a Type 1 error by overemphasizing the policy in question. Would this be a worthwhile investment?

2. Dependent variables

a) **Are there preferable specifications of our measures of policy credentials (priorities and competence)**

   i)   Discussion: we are considering several specifications of these concepts, including (for priorities) having respondents rank-order what they believe to be candidates' policy priorities versus selecting a top priority from a list, and (for competence) asking respondents if they believe the candidate could successfully sponsor a bill in Congress. What would be the most compelling measurement strategy?

Ultimately, this research design remains a work in progress, and we welcome any and all feedback from discussants and panel attendees at this conference to better refine it before deploying it in the field. Many thanks in advance for your feedback on the questions above, as well as any additional comments that you may have!

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