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Race for New York governor shows why fusion tickets must be banned

by JOSHUA SPIVAK

Andrew Cuomo's reelection campaign as New York governor hits its first bump, as the Working Families Party has decided to endorse and give its ballot line to his challenger from the left, Cynthia Nixon. While this has given Nixon a boost and could deprive Cuomo of thousands of votes in a November race, the Working Families Party is taking a real risk. Beyond upsetting some of their key union supporters and the sitting governor, they could end up losing their ballot line.

This may also provide a motivation for Cuomo to move against the odd electoral law that empowers small interest groups to use ballot lines to extort politicians in a way that doesn't exist in most other states. New Yorkers and third parties themselves could be the real beneficiary of this change. The Working Families Party, like the Conservative Party and Independent Party, survives as a viable political entity because of a quirk in the law. New York is one of the only states that allow candidates to run on multiple ballot lines in a race on a cross-endorsement or "fusion" ticket. Forty-two states ban this in almost all elections, forcing candidates to choose to run as the standard bearer of only one party.

Cross-ballot endorsements have a long history in the United States. They were very popular at the end of the 19th century, resulting in the most famous one, which was William Jennings Bryan's first run for the presidency in 1896. He was originally given the Populist Party ballot and then was selected as the Democratic Party nominee. In different states, the two major parties became increasingly concerned about the success of third parties and began banning the use of fusion tickets, which thanks to the feeling that failing to vote for the major party candidates would be a waste vote, hurt the smaller third parties.

New York never banned the use of the fusion tickets. But a look at its experience shows a very negative aspect to their existence. At their best, small parties can use fusion tickets to push candidates to a particular point of view by granting or threatening to run a challenger against the Democratic or Republican incumbent. But in the major races in New York, they frequently just cross-endorse one of the top candidates, who accept the line to remove a potential rival. This is practical because if a party's gubernatorial candidate fails to get 50,000 votes, it loses the ballot line.

But there is another reason for the fusion tickets. The smaller party is able to extract favors and patronage positions from the winning candidate. Witness the fortunes of the liberals, one of New York's most notable third parties. The Democrats use to rely on the Liberal Party for a cross-endorsement, though occasionally, the liberals would endorse a Republicans. By the 1980s, the party was controlled as a fief by City Hall power broker Raymond Harding. He used the ballot

line to amass power and patronage, which was most evident by his gaining power and influence following the party's backing of Rudy Giuliani.

The party had lost credibility as an ideological force, but still possessed a powerful ballot line. But once Giuliani was out of office, the party quickly lost ground. The Working Families Party was built to oppose the liberal. In order to retain their role, the Liberal Party chose Cuomo to be the challenger in the 2002 Democratic gubernatorial primary. While Cuomo took the ballot line, he dropped out of the race after losing the Democratic nomination to Carl McCall. The party failed to gain the 50,000 votes needed to keep the ballot line.

If third parties were discouraged or prohibited from cross-endorsing, they could grow. In New York, third parties have a history of success that has been short circuited by the fusion tickets. James Buckley captured a U.S. Senate seat in 1970 running solely on the conservative line. He lost in 1976 when he ran on both the Republican and conservative line. John Lindsay won reelection in 1969 running on the liberal one and then failed in an attempt for the Democratic presidential nomination. In 1990, the Conservative Party candidate Herbert London almost outperformed the Republican Pierre Rinfret in Mario Cuomo's gubernatorial victory.

If the third parties want to regain their luster, nothing would help like running serious candidates who can actually put up a fight, especially in a day and age when rich candidates are increasingly throwing their hats in the ring for top offices. Instead of being a potential platform for patronage, third parties could play a role in New York's political process. Cuomo may be upset about the Working Families Party endorsement of Nixon, but it may present a good opportunity to rectify New York's unusual ballot law.

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