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If we get beyond the horse trading, fusion voting has a role

By Jerry H. Goldfeder, Commentary

If it were not for fusion voting — allowing a candidate to run on multiple lines and aggregating their vote totals — John F. Kennedy may not have been elected president in 1960.

Kennedy won the election with 303 Electoral College votes, 34 more than the majority needed, to Richard Nixon's 219. Harry Byrd won the remaining 15.

In this contest, New York's 45 electoral votes were decisive. Kennedy won fewer votes here on the Democratic line (3,423,909) than Nixon garnered on the Republican line (3,446,419), but Kennedy's vote on the Liberal Party line (406,176) took him over the top in New York's winner-take-all Electoral College votes.

Without fusion, Nixon would have won New York, bringing his Electoral College vote up to 264 and reducing Kennedy's to 258 — and with Byrd in the picture, no candidate would have had an Electoral College majority. The presidential election, for the first time since 1824, would have been decided by the House of Representatives — and although the chamber was controlled by Democrats, the ideological splits within their ranks could have yielded a Nixon presidency.

So New York's quirky fusion law made a significant difference in our country's history.

But, truth be told, fusion doesn't affect very many races. In New York's hotly contested state legislative and congressional elections last year, only a few candidates won because of it: Newly elected state Sen. Andrew Gounardes, D-Brooklyn, would have lost to incumbent Republican Marty Golden without the Working Families vote total; and Democratic Rep. Anthony Brindisi won because of the aggregated votes cast on either the Working Families line or the Independence line.

So why is the Democratic Party making such a fuss about the issue now? The conventional view is that Gov. Andrew Cuomo has it in for the Working Families party. I don't buy that — he didn't need it to win in any of his campaigns. Perhaps it is because Democratic Party registration rolls are so robust that the party feels strong enough to go it alone — but everyone understands that a party's fortunes can change in a heartbeat.

Maybe the real rationale, as expressed by Democratic Chairman Jay Jacobs, is that local leaders sometimes misuse the process opportunistically. Cross-endorsements too often mock party principle in an effort by major parties to pick up additional votes and by minor parties to gain stature. In and of itself, this is not so terrible. The real problem is if a minor party extracts hard dollars, jobs or policy conversions from a major party in return for its endorsement. Beyond the

legal issues such horse trading raises, this kind of transactional conduct taints the electoral process and dispirits voters. Jacobs is right to try to stop it.

Whatever the impetus of the current anti-fusion movement, there is the legitimate view that political parties should nominate only one of their own enrolled members. Otherwise, the argument goes, why have a political party? In fact, almost all states follow this rule. The alternative view is that smaller, more ideologically driven parties play an important role in raising issues that often aren't advocated by the more big-tent major parties. In doing so, fusion can compel a more robust and healthy political debate within and between the two major parties.

Whether the Legislature will actually enact a ban on fusion remains to be seen. Perhaps the better route would be for the major parties to tread more carefully — accept or decline a minor party's nomination on a case-by-case basis, driven by principle rather than transactional deals. This approach could lead to more integrity between and among the parties, and, in so doing, inspire greater confidence among voters.

Jerry H. Goldfeder teaches election law at Fordham Law School and the University of Pennsylvania Law School, and previously served as New York Attorney General Andrew Cuomo's special counsel for public integrity. He is currently special counsel at Stroock & Stroock & Lavan.