

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM**

**Michigan Common Sense Party,
Libertarian Party of Michigan, Gordon
Bloem, P. Joseph Haas, Roger Martin, and
Rachel Gross,**

Case No. _____

Plaintiffs,

-vs-

**THIS CASE INVOLVES THE VALIDITY
OF A MICHIGAN ELECTION LAW**

Jocelyn Benson, in her official capacity as
Secretary of State, and **Jonathan Brater**, in
his official capacity as Director, Michigan
Bureau of Elections,

Defendants./

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**VERIFIED COMPLAINT FOR DECLARATORY
JUDGMENT AND PERMANENT INJUNCTION**

A civil action between these parties arising out of the occurrence alleged in the complaint has previously been filed in the Court of Claims where it was given case number 26-000106-MZ and assigned to Judge Michael F. Gadola. The action remains pending.

Goodman Acker

NOW COME Plaintiffs Michigan Common Sense Party, Libertarian Party of Michigan, Gordon Bloem, P. Joseph Haas, Roger Martin, and Rachel Gross, by and through their attorneys, to file this Verified Complaint to protect the fundamental right to vote in Article II, Section 4 of the Michigan Constitution. Plaintiffs state as follows:

INTRODUCTION

1. Michigan law recognizes the essential role of parties in the electoral process. Voting for the political party of one's choice is a core aspect of the right to vote. Joining together in political parties is a key means by which individuals enhance their voting power and express and advance their views.

2. New and minor parties, in particular, provide a vehicle to enable voters to cast ballots for candidates and platforms that advance ideas that are suppressed by a two-party consensus or simply missing from the debate between the major parties. This dynamic has persisted across the history of Michigan and the United States. Prior to the Civil War, new and minor parties broke a bipartisan code of silence to ensure that the electoral process would respond to the pressing moral issue of slavery. When the political system calcified after Reconstruction, new and minor parties ensured that the electoral process would address issues raised by industrialization and economic consolidation and dislocation.

3. And today, as two-party politics have become extremely polarized, new and minor parties can help ensure that the electoral process addresses issues that the major parties would prefer not to discuss—and can provide a home to voters who wish to end divisions and seek novel alignments across current party lines.

4. But Michigan law denies voters an effective means to vote for new and minor parties. That is because state statutes prohibit candidates from appearing on the ballot line of more

than one political party. “Fusion voting”—the practice of allowing multiple parties to nominate the same candidate for an office, leaving it to each individual voter to choose which party’s line to select—was long allowed in Michigan. And the practice served here, as it did in other states, to open up the political process and enhance voter choice. With the opportunity to cast a ballot for their chosen party, and have it be made meaningful by being added to the votes of those who cast a ballot for their same candidate on a different party’s ticket, voters who wished to support new and minor parties could do so without fear of wasting their votes. And the new and minor parties could survive and thrive. That is just what happened. By the end of the Nineteenth Century, fusionist candidates in Michigan had been elected to the positions of Governor, Justice of the Supreme Court (defeating Justice Thomas Cooley), and multiple seats in both Congress and the Legislature.

5. In 1895, however, the State banned fusion voting. It did so precisely because the Republican Party, which had recently won a large majority in the Legislature, saw that fusionist alliances between the Democratic Party and various populist parties posed a major threat to their continued control of the state government. And the ban on fusion voting effectively served as the death warrant for the populist parties. With cross-endorsement banned, a vote for a minor party became a wasted if not self-defeating vote. If Michiganders wished their votes to be effective, they had to choose between one of the two major parties.

6. The Michigan Supreme Court upheld the fusion ban against a “purity of elections” challenge in *Todd v Board of Election Commissioners*, 104 Mich 474; 62 NW 564 (1895). But the *Todd* decision came more than a century before Michigan voters added to our Constitution an explicit guarantee of “[t]he fundamental right to vote,” along with an express prohibition of any practice “which has the intent or effect of denying, abridging, interfering with, or unreasonably

burdening” that right. Const 1963, Art II § 4(1)(a) (added 2022). That decision also came well before the Michigan Supreme Court interpreted the Constitution’s “purity of elections” clause, *id.* Art II § 4(2), to bar an “election procedure” that “affords an unfair advantage to one party or its candidates over a rival party or its candidates.” *Socialist Workers Party v Sec’y of State*, 412 Mich 571, 598-599, 317 NW2d 1 (1982).

7. Plaintiffs claim that the fusion ban violates the fundamental right to vote added to the State Constitution in 2022. The ban deprives voters of the opportunity to cast an effective vote for the party of their choice and thus denies, abridges, interferes with, or unreasonably burdens the fundamental right to vote. At a time when new and minor party options are essential to bridge our current polarization and break out of the “two-party doom loop,” there is a pressing need for this Court to vindicate that right.¹

JURISDICTION

8. Claims under Const 1963, article II, section 4(1)(a) must be brought in Circuit Court.

9. This Court has jurisdiction to issue a declaratory judgment and permanent injunction enforcing it under MCR 2.605.

VENUE

10. Pursuant to Const 1963, article II, section 4(1)(a), actions enforcing that provision “shall be brought in the circuit court for the county in which a plaintiff resides.” Because Plaintiff Martin resides in Ingham County, venue in this Court is appropriate.

PARTIES

11. The Michigan Common Sense Party, first organized in 2023, is a political party

¹ In a companion case filed in the Court of Claims, the same plaintiffs claim that the fusion ban violates the “purity of elections” clause as well as the state constitutional guarantees of free speech and freedom of association.

dedicated to offering a true middle way for Michiganders seeking to defeat rising extremism and radicalism within the current two-party system. The party is dedicated to building the political center and promoting moderate, common-sense solutions by challenging the ban on fusion voting.

12. The Libertarian Party of Michigan is a political party that seeks a society based on personal liberty and responsibility—a society in which all individuals are sovereign over their own lives. The Libertarian Party of Michigan wants the option of cross-nominating Democratic or Republican candidates to advance its ability to advocate for its principles and provide voters with a meaningful choice.

13. Gordon Bloem is a resident of Charlevoix County, and he is a qualified and registered voter. Bloem affiliates with the Democratic Party, but he would like the option to vote for candidates on new and minor party lines that would better reflect his views in certain cases.

14. P. Joseph Haas is a resident of St. Joseph County, and he is a qualified and registered voter. Haas affiliates with the Republican Party, but he would like the option to vote for candidates on new and minor party lines that would better reflect his views in certain cases.

15. Roger Martin is a resident of Ingham County, and he is a qualified and registered voter. Martin does not affiliate with any political party, and he would like the option to vote for candidates on new and minor party lines that would better reflect his views than the major parties in certain cases.

16. Rachel Gross is a resident of Ionia County, and she is a qualified and registered voter. She is currently a candidate for District 78 in the Michigan House of Representatives. She is running in the Democratic Party primary, but she would like to compete for the nominations of new and minor parties as well to better express her positions to the voters.

17. Jocelyn Benson serves as the Secretary of State, the chief state election official of

Michigan. See MCL § 168.31. She is responsible, among other things, for “[a]dvis[ing] and direct[ing] local election officials as to the proper methods of conducting elections.” MCL § 168.31(1)(b). Benson is sued in her official capacity only.

18. Jonathan Brater serves as the Director of the Michigan Bureau of Elections. He is responsible for carrying out the Secretary of State’s powers and duties “with respect to the supervision and administration of the election laws.” MCL § 168.32(1). Brater is sued in his official capacity only.

FACTUAL ALLEGATIONS

19. According to surveys, most Americans do not find themselves in full agreement with the policy platforms and positioning of either of the two major parties. Voting for new or minor political parties provides a key means for these individuals to express and advance their interests and views.

20. But Michigan law currently denies voters the opportunity to cast an effective vote for a new or minor party. That is because it prohibits multiple parties from nominating the same candidate. When the same candidate appears on the ballot line of multiple parties—a practice known as “fusion voting”—voters who are not fully aligned with one of the two major parties can vote for a new or minor party that more closely represents their views, secure in the knowledge that their vote can still make a difference in the election by being added to the votes for the same candidate cast on the lines of other parties.

21. When a State bans fusion, however, voters not aligned with the major parties are put to an impossible choice: Cast a ballot for a new or minor party that represents their views, knowing that the vote will likely be meaningless in our first-past-the-post system—and will likely draw votes away from the major-party candidate who more closely represents the voter’s views;

cast a ballot for a major party even though that party does not represent their views; or simply do not vote.

22. Michigan once had a robust practice of fusion voting, but the State has banned the practice since 1895. The Legislature adopted that ban precisely because fusion voting had promoted the growth of a series of third parties—notably the People’s Party, the Free Silver Party, the Greenback Labor Party, and the Prohibition Party—and had enabled those third parties, in alliance with the Democratic Party, to threaten the dominance of the Republican Party in the State at that time.

23. By putting Michiganders who are unrepresented by the two major parties to an impossible choice, the State’s fusion ban denies, abridges, interferes with, and unreasonably burdens the fundamental right to vote.

General History of Fusion Voting

24. Fusion is an electoral practice in which more than one political party may nominate the same candidate for an office and thus enable the candidate to appear on the ballot on multiple party lines. The practice provides new or minor political parties an important means to express their distinct views and to organize to advance those views. It provides individuals with important means of enhancing their voting power and expressing their own views.

25. Across American history, fusion voting has enabled people to join together in new political parties that expressed ideas previously suppressed by the two-party system.

26. This was true in the North in the years leading up to the Civil War, as “minor parties opposed to slavery used cross-nominations to elevate abolition into the political mainstream, amassing and then leveraging their collective power to found a new major party, the Republican Party.” Jeff Berryhill & Ian Gavigan, *Fusion Voting and A Case Study in Restrictive Two-Party Politics*, 76 Rutgers U.L. Rev. 913, 916 (2024). See also Corey M. Brooks & Beau C. Tremiere,

Fusing to Combat Slavery: Third-Party Politics in the Pre-Civil War North, 98 St. John’s L. Rev. 339, 371 (2024) (“In key strategic moments throughout the decades preceding the Civil War, [fusion voting] had consequential impacts on state and national politics—including by kickstarting or critically prolonging the political careers of leading figures in the history of antislavery politics.”).

27. Fusion benefited a different configuration of interests in the late Nineteenth Century, as “economically populist minor parties cross-nominated candidates to break the duopolistic antipathy toward working-class interests, setting the foundation for the transformative wave of labor, anti-monopoly, and regulatory reforms shortly thereafter.” Berryhill & Gavigan, *supra*, at 916.

28. Indeed, “[i]n North Carolina, a cross-racial coalition used fusion to oust Jim Crow Democrats from power—the only time the feat was accomplished in the post-Reconstruction South.” *Id.* As one scholar notes, “fusion was the procedural *sine qua non* of the post-bellum heyday of minor party activity. Grangers, Greenbackers, and other minor parties all built themselves on it.” Joel Rogers, *Pull the Plug*, 52 Admin. L. Rev. 743, 748–49 (2000). “The ability to form fusion candidacies was critical to the existence of active third party politics in the late nineteenth century, which included the Populists, Greenbackers, and other third parties.” Richard H. Pildes, *Democracy and Disorder*, 68 U. Chi. L. Rev. 695, 707 (2001).

29. During the late Nineteenth Century, fusion also “enabl[ed] . . . and promoted cross-cutting alliances, allowing voters to express more nuanced political preferences without the strategic dilemma of ‘wasting’ their votes on minor parties.” Drutman Report at 9-10. That “coalition-building mechanism provided third-party movements a pathway to electoral influence, and encouraged major party candidates to expand their coalitions beyond their traditional base to

capture cross-nominated support.” *Id.* at 10.

History of Fusion Voting in Michigan

30. Michigan was no exception to these trends. “By 1893, Michigan had perhaps experienced more consistent fusion politics than any other state.” Peter H. Argersinger, “*A Place on the Ballot*”: *Fusion Politics and Antifusion Laws*, 85 *Am. Hist. Rev.* 287, 295 (1980).

31. Fusion voting “became firmly established” in Michigan “during the last three decades of the nineteenth century.” Disch-Goodman Report at 1. Fusion “made cross-party coalition-building a more cooperative and democratically representative practice” and helped “enable[] third political parties to challenge the dominant parties of the moment.” *Id.* At 1-2. Indeed, more than in “other states where electoral fusion was practiced,” Michigan’s “political parties and voters made exceptionally consistent use of fusion nominations to effect cross-party alliances that, in the 1891-1892 legislative session, secured the passage of ground-breaking democratic reforms, including the secret ballot and proportional representation.” *Id.* at 2.

32. In 1882, Democrat Josiah W. Begole was “elected governor on the Fusion ticket”—having been nominated by both the Democratic Party and the Greenback Labor Party—“interrupting an almost unbroken Republican rule that began in 1854.” Michigan Legislature, Chronology of Michigan History 11, <https://www.legislature.mi.gov/documents/publications/manual/2003-2004/2003-mm-0003-0019-Chron.pdf>. Begole ran “on the Democratic-Greenback Labor Party fusion ticket” and “won by fewer than 5,000 votes, while the Republican ticket swept the remaining executive offices by margins of 8,500 to 14,000.” Disch-Goodman Report at 4-5.

33. In 1884, “[f]usionist candidates ... won seven of Michigan’s eleven congressional seats, and in the spring election of 1886, the Fusionists were able to defeat Supreme Court Justice Thomas M. Cooley in his campaign for reelection.” Dunbar & May, *Michigan: A History of the*

Wolverine State 385 (1995). And fusion played a central role in elections to the Legislature. In the “Coalition Legislature of 1891,” the Senate initially “included fourteen Democrats, fourteen Republicans, and 4 Patrons of Industry.” Disch-Goodman Report at 17. In the House, “Republicans held thirty-four seats,” and “Democrats secured fifty-nine seats on the Democratic ticket and won 4 through cross-nominations with Patrons of Industry, while Industrials took 3.” *Id.* But “[e]ven hyphenated party labels could not do justice to the dizzying array of joint nominations and cross-party endorsements helped seat many members” of the 1891 legislature. *Id.* In 1893, “twenty-one of the thirty-one Democratic and Populist state representatives had been elected through fusion, while twenty-six Republican representatives had been elected over fusion opponents. At least twenty more Republicans were elected only by plurality votes and would have been defeated if their opponents had successfully fused.” Argersinger, *supra*, at 296.

34. Fusion voting in Michigan did not just help to break Republican Party control. It also empowered new parties that advanced ideas and positions not represented by the Democrats or Republicans. These new parties had “the balance of power in the closely contested electorate; when delivered to Democratic candidates through fusion, as in the [1892] contest for attorney general, it sufficed to bring about the only Republican losses on the state ticket.” Argersinger, *supra*, at 296-297.

35. The inclusion of these new parties in governing coalitions made it possible for them to achieve the policy goals the new parties expressed. For example, in 1882 fusion Governor Begole “established a Bureau of Labor Statistics, advanced women’s suffrage, and reduced both interest and railroad rates—all high priority reforms for Greenbackers.” Disch-Goodman Report at 5. And in 1891, the fusionist legislature enacted “the Miner Election Law, which provided for presidential electors to be selected by district rather than winner-take-all.” *Id.*

The Effect of Fusion Bans on New and Minor Parties

36. As the history recounted above demonstrates, fusion voting has played a central role in the development and growth of third parties. And prohibiting fusion knocks the legs out from under those parties: “if fusion is not permitted, voters who would otherwise support a third party decline to do so because such a vote seems wasted; with fusion, voters can support both the party of their choice and a major party candidate with a serious chance of winning.” Pildes, *supra*, at 707. See also William R. Kirschner, *Fusion and the Associational Rights of Minor Political Parties*, 95 Colum. L. Rev. 683, 700–01 (1995) (“Voters who support the platforms of minor parties often refuse to vote for such parties because they perceive that their candidates will have little chance of winning. These voters often either refuse to vote, or cast compromise votes for the major party with positions most similar to their own. Recognizing this tendency, qualified candidates often decline minor party nominations. A prohibition on fusion, therefore, leaves a minor party with a Hobson’s choice of either accepting a marginal role by fielding a candidate with little chance of winning, or withdrawing its party name from the ballot and supporting a major party candidate.”) (footnotes omitted).

37. As two leading scholars explain, “[a]ntifusion laws further entrench the two dominant parties by dramatically raising additional barriers to competition.” Samuel Issacharoff & Richard H. Pildes, *Politics as Markets: Partisan Lockups of the Democratic Process*, 50 Stan. L. Rev. 643, 685 (1998). “Without fusion, minor parties cannot participate in winning coalitions, cannot demonstrate their electoral contribution, and cannot maintain the voter support necessary to survive as ongoing organizations.” Drutman Report at 11.

38. Although “[n]ew parties can form as a formal matter,” fusion bans place them in “an impossible strategic bind: every vote cast on their line is either ‘wasted’ on a candidate who

cannot win or functions as a ‘spoiler’ that aids the candidate their supporters most oppose.” *Id.* at 14. “This futility suppresses not merely third-party success but third-party existence.” *Id.*

39. The result of antifusion laws is thus to squelch the discrete views that new and minor parties express, raise enormous barriers to those parties in organizing to express those views, and deprive voters of consequential choices at the ballot box.

40. The presence or absence of those choices can affect election outcomes, as Michigan’s history of fusion voting shows. Even without such an effect, the presence of absence of meaningful third-party choices on the ballot has a substantial expressive effect: “For candidates and parties, appearing on the ballot is undoubtedly an important means of publicizing their views, even if they have little chance of winning. For voters, the fact that their votes will contribute to a public vote count could be an important statement of political values, even if any individual ballot does not determine the outcome.” Dmitri Evseev, *A Second Look at Third Parties: Correcting the Supreme Court’s Understanding of Elections*, 85 B.U. L. Rev. 1277, 1307–08 (2005) (footnote omitted).

41. And, indeed, third parties often articulate views that are shut out by a two-party system—and provide a vehicle for citizens to associate and vote to express those views. As Evseev explains, “When the two major parties agree on a particular issue, public discourse about it may be virtually eliminated in the absence of a strong third voice,” and “[e]ven when the two parties disagree, they may collude to avoid topics that each of them finds politically damaging.” Evseev, *supra*, at 1308. A prohibition on fusion thus “ultimately provides voters with less information about the choices available to them in terms of candidates, parties, and issues.” Richard L. Hasen, *Entrenching the Duopoly: Why the Supreme Court Should Not Allow the States to Protect the Democrats and Republicans from Political Competition*, 1997 Sup. Ct. Rev. 331, 343 (1997).

Michigan's Fusion Ban

42. Michigan first adopted its fusion ban in 1895. The Legislature enacted the law just after elections had handed a large legislative majority to the Republican Party. The bill's plain motivation was to shut down the rising power of third parties who had often fused with Democrats to threaten Republican control.

43. Republicans first sought to eliminate fusion when they took control of the Legislature in 1893. They began by seeking "to unseat senators and representatives who had been elected to the body by means of fusion. They first attempted and failed to unseat Senator Enoch Mugford of Manistee County, whose name appeared on the Democratic, Independent Democratic, and People's tickets, by claiming that fusion was illegal." Disch-Goodman Report at 22. But a Michigan Supreme Court decision upholding the lawfulness of fusion blocked that effort. *Id.*

44. One Republican legislator was explicit about the partisan motivation of the attack on fusion: "We don't propose to allow the Democrats to make allies of the Populists, Prohibitionists, or any other party, and get up combination tickets against us. We can whip them single-handed, but don't intend to fight all creation." *Id.* at 22-23.

45. Despite these efforts, and despite the Republican majority's success in unseating a fusionist Democrat-Prohibitionist in the Senate and two Democrats in the House, the 1893 effort to ban fusion failed by three votes. See *id.* at 24.

46. But the Legislature succeeded in enacting a fusion ban in 1895: "Michigan Republicans, now in complete control of the legislature, reintroduced their anti-fusion bill of the previous session and pushed it into law." Argersinger, *supra*, at 298. Two key facts on the ground had changed: First, the Republicans now had overwhelming margins in the Legislature (a 101-to-1 majority in the State House, and a 32-to-0 clean sweep in the State Senate). Second, 1895 saw a

special election for a U.S. House of Representatives seat in Western Michigan, in which the Republican Lieutenant Governor Alfred Milnes faced a strong competitor in Albert Todd, who ran “on a fusion ticket including endorsements from the Democratic Party, the People’s Party, the Free Silver Party, and Prohibition.” Dan Allosso, *Peppermint Kings: A Rural American History* 189 (2020).

47. Todd immediately challenged the new antifusion law as violating the Michigan Constitution. He won the battle but lost the war. The Michigan Supreme Court held that the statute could not be applied retroactively to the 1895 election, but that it was constitutional and could be applied in future elections. See *Todd v. Bd of Election Comm’rs*, 104 Mich 474, 477, 62 NW 564, 565 (1895).

48. Todd won his election and “entered Congress as a nominal Democrat—the first to represent Michigan’s Third District since the Civil War.” Allosso, *supra*, at 189. With fusion banned in the next election, however, “Todd did not win reelection to Congress. In November 1898, he was narrowly defeated by Michigan’s secretary of state, Republican Washington Gardner, by 21,182 votes to 19,864.” *Id* at 199. The implication is clear that, “[a]fter the passage of the anti-fusion law, Todd would not have been able to achieve the same upset victory he had managed in 1896.” *Id* at 201.

49. Contemporaneous observers recognized that the antifusion law presented an existential threat to new and minor parties. The Kalamazoo Weekly Telegraph said that the statute “practically disfranchises every citizen who does not happen to be a member of the party in power.... They are thus compelled to either lose their vote (as that expression is usually understood), or else unite in one organization. It would mean that there could be only two parties at one time.” Quoted in Argersinger, *supra*, at 304. The Detroit Evening News, for its part, named

the statute “the law providing for the extinction and effacement of all parties but the Democratic and Republican.” Quoted in *id.*

50. The State has maintained its ban on fusion voting since 1895. The current ban appears in a connected set of statutes. See MCL §§ 168.691, 168.692, 168.693, 168.694, 168.695. These statutes bar multiple parties from listing the same candidates under their ballot lines.

The 2018 and 2022 Amendments to Article II, Section 4 of the Michigan Constitution

51. In 2022, Michigan voters amended the Michigan Constitution to add express language establishing a fundamental right to vote.

52. Article 2, section 4 of the Constitution now provides, in relevant part:

(1) Every citizen of the United States who is an elector qualified to vote in Michigan shall have the following rights:

(a) The fundamental right to vote, including but not limited to the right, once registered, to vote a secret ballot in all elections. No person shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, or intimidating conduct; or (3) use any means whatsoever, any of which has the intent or effect of denying abridging, interfering with, or unreasonably burdening the fundamental right to vote.

Const 1963, art 2, § 4(1)(a).

53. The 2022 amendment thus guarantees that Michiganders shall have the fundamental right to vote. But it goes beyond simply declaring the existence of that right. The amendment also broadly prohibits practices that might intrude on the right to vote. It directs that “[n]o person shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, or intimidating conduct; or (3) use any means whatsoever, any of which has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote.” *Id.*

54. The 2022 amendment built on an earlier amendment adopted in 2018, which itself

added new specific voting protections to Article 2, Section 4, Subsection 1, and which provided that “[t]his subsection shall be liberally construed in favor of voters’ rights in order to effectuate its purposes.” *Id.* § 4(1).

55. The text of the 2022 and 2018 amendments demonstrates that Article 2, Section 4 now imposes far more extensive protections than the Michigan and federal courts had previously applied to voting restrictions.

The Effects of the Fusion Ban on the Fundamental Right to Vote

56. Under the current ban on fusion voting, voters aligned with new and minor parties are frequently denied the ability to cast an effective ballot for the party of their choice. In a first-past-the-post system without fusion, a vote for a new or minor party is typically a wasted vote at best. Indeed, third-party candidates have such unreasonable likelihoods of victory that a vote for them is often effectively a vote against the minor party’s closest major-party ally.

57. Individuals who affiliate with new and minor parties are forced to choose between voting for the unique viewpoints expressed by the party they support, and wasting their vote, or abandoning their unique viewpoints in favor of casting an effective ballot.

58. The fusion ban makes it functionally impossible for voters to maintain viable new and minor parties. The ban thus leaves them stuck with the two major parties. And it creates perverse incentives that drive the parties further and further from the voters. Elections offering only a binary choice encourage the two major parties to be at war with one another, each constantly catering to their most fervent and extreme supporters, reflexively rejecting policy compromises, and creating increasing distance between the parties and the preferences of most individual voters.

59. The fusion ban thus significantly impedes the fundamental right to vote, because “[w]hen citizens cannot find a party that represents their preferences, they are structurally excluded

from the primary mode of democratic participation.” Drutman Report at 12.

60. Allowing fusion voting, by contrast, would “address the current polarization crisis. It gives voters a clear way to signal: ‘stop the hyper-partisan fighting.’ It also provides partisans unhappy with their own party’s extremism a way to signal that displeasure without fully defecting to the opposition.” *Id.* at 10. It can also “re-empower the political center, which currently lacks institutional representation.” *Id.*

61. Fusion voting achieves these results by giving voters a meaningful choice. “When there are only two sides, dissenters on each side have limited options. Partisans uncomfortable with aspects of their party’s direction face an impossible choice: support the opposition or vote for a third party (which would effectively help their opponents).” *Id.* at 11. But with fusion voting, “[p]artisans would not need to justify voting for the lesser of two evils by convincing themselves the other side is irredeemably dangerous.” *Id.*

62. Allowing fusion would “moderate[] political conflict by creating incentives for coalition-building and enabling voters to signal preferences for compromise,” and it would “also sustain[] the third parties that make this moderation possible.” *Id.*

The Feasibility of Fusion in Michigan

63. Fusion voting could achieve these results without confusing voters or placing undue administrative burdens on election officials. The experience of the states that continue to maintain fusion voting demonstrates the point. Across all those states, “there have been many years of experience without reports substantiating any significant voter confusion or election delays.” Thomas Report at 8. “Evidence does not support any assertion that fusion ballots are more confusing than non-fusion ballots or that there is a significant ‘cognitive burden’ to fusion ballots.” *Id.* at 11.

64. Indeed, a move to fusion voting would be “far less complicated” than recent changes to Michigan elections that have been implemented without significant voter confusion, such as “no-reason absentee voting during a pandemic,” and the many other reforms Michigan implemented “over the years 2018-2024, a time in which extensive change was made to the electoral process and in which historic increases in voter registration and participation were recorded.” *Id.* at 12-13.

65. Voter education—from election officials, political parties, and nongovernmental organizations—will fully suffice to enable individuals to cast their ballots under a fusion system. “[T]he educational delivery system is in place, successfully tested in difficult times, and is fully capable of preparing Michigan electors to competently cast fusion ballots.” *Id.* at 14.

66. Each of “the voting systems currently in use” in Michigan, as well as “those likely to be certified and approved under the next voting system contract,” can readily accommodate fusion voting. *Id.* at 8.

**COUNT I: THE FUSION BAN VIOLATES THE FUNDAMENTAL RIGHT TO VOTE
IN ARTICLE 2, SECTION 4 OF THE MICHIGAN CONSTITUTION**

67. Plaintiffs incorporate the prior paragraphs as if set forth fully herein.

68. MCR 2.605(A)(1) states: “In a case of actual controversy within its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment, whether or not other relief is or could be sought or granted.” The Michigan Supreme Court has held that “[a]n actual controversy exists when a declaratory judgment is needed to guide a party’s future conduct in order to preserve that party’s legal rights.” *League of Women Voters of Mich v Secretary of State*, 506 Mich 561, 586; 957 NW2d 731 (2020).

69. There is an actual controversy within this Court’s jurisdiction because Michigan’s ban on fusion voting, as incorporated in MCL §§ 168.691, .692, .693, .694, and .695, injures the

plaintiffs. The fusion ban deprives the plaintiff voters of the opportunity to cast an effective vote for a new or minor party—both by preventing those parties from forming or surviving, and by placing the voters in the untenable position of casting a wasted (or “spoiler”) ballot for a new or minor party they prefer, casting a their ballot for a major party that does not fully represent them, or not voting at all. Article II, Section 4 of the Michigan Constitution provides that “[a]ny Michigan citizen or citizens shall have standing to bring an action for declaratory, injunctive, and/or monetary relief to enforce” the fundamental right to vote “on behalf of themselves.” Const 1963, art. II § 4(a)(1).

70. The fusion ban also injures the plaintiff political parties, by preventing them from building support and maintaining viability by cross-nominating candidates also nominated by the major parties. And it injures the plaintiff candidates, by preventing them from appealing to voters by appearing on the ballot lines of more than one party.

71. Michigan’s fusion ban “has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote,” Const 1963, Art II § 4(1)(a), by depriving voters who support new and minor parties of the opportunity to cast an effective vote for those parties.

72. Michigan’s fusion ban also “has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote,” Const 1963, Art II § 4(1)(a), by forcing individuals who affiliate with new and minor parties to choose between their state constitutional right to cast an effective, non-wasted vote and their state constitutional right to associate with a political party.

73. Plaintiffs are entitled to a declaratory judgment that Michigan’s fusion ban, as effectuated by the provisions of MCL §§ 168.691, .692, .693, .694, and .695 that bar a candidate

from appearing on the ballot lines of multiple parties, is unconstitutional.

74. Based on that declaratory judgment, Plaintiffs are entitled to a permanent injunction against the fusion ban under MCR 2.605(F) and MCR 3.310.

PRAYER FOR RELIEF SOUGHT

For the reasons stated, Plaintiffs respectfully pray for an Order of the Court as follows:

1. Declaring that Michigan’s fusion ban, as effectuated by the provisions of MCL §§ 168.691, .692, .693, .694, and .695 that bar a candidate from appearing on the ballot lines of multiple parties, is unconstitutional;
2. Permanently enjoining Defendants from enforcing the fusion ban; and
3. Granting Plaintiffs such other relief as the Court deems just and appropriate.

/s/ Mark Brewer
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Dated: May 21, 2026

VERIFICATION

STATE OF MICHIGAN)

)ss

COUNTY OF Iron

I declare under the penalties of perjury that this Complaint has been examined by me and that its contents are true to the best of my knowledge, information, and belief.

[Signature]
Common Sense Party

Subscribed and sworn to before me
This 14th day of May, 2026

[Signature]
Ryan Irish, Notary Public
Eaton County, State of Michigan
My Commission Expires: Aug. 4, 2030
Acting in the County of Iron

RYAN IRISH
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF EATON
My Commission Expires AUGUST 4, 2030
Acting in the County of Iron



Goodman Acker

DISCH-GOODMAN REPORT

Expert Report of Dr. Lisa J. Disch and Dr. Kelly Goodman

Declaration

Plaintiffs in the case of *Michigan Common Sense Party v. Jocelyn Benson* have challenged the statutory ban in the state of Michigan on what is commonly known as “fusion voting” in partisan general elections. The complaint filed in the case contests MCL 168.691 to 168.695, which prevent a candidate’s name from appearing in more than one ballot column or on more than one ticket, as a violation of the Michigan Constitution.

Fusion voting is the practice of allowing a candidate for public office to be listed on the ballot as the endorsed nominee of more than one political party. In its contemporary practice, the votes cast for the political parties who cross-nominate the same candidate are typically tabulated separately for each nominating party, then “fused” together to create a combined vote total for that person. Throughout the nineteenth-century, Michigan’s third political parties forged cross-party coalitions. Before the Civil War, these alliances often took the form of cross-party mergers to represent Michigan’s antislavery interests. Beginning in the 1870s dual (or cross-) nominations became widespread nationwide and in Michigan, where third political parties partnered with each other, with Democrats, and occasionally Republicans, to represent the state’s agricultural interests. From the 1880s to 1890s, the fusion strategy enabled Democrats and third political parties to achieve significant pro-democracy reforms alongside electoral victories; Republican party members publicly denounced both as a threat to their power. In 1893, after regaining the majority, Michigan Republicans proposed what would have been the “first explicitly antifusion law” in the US had it succeeded.¹ In 1895, having swept all but one House seat, Michigan Republicans banned fusion by law.² The form of fusion desired by plaintiffs in this case remains legal elsewhere and is regularly used in Connecticut and New York.

For this report, we have been asked to review the historical record, outline in detail fusion politics in Michigan history and answer: 1) whether the historical record suggests that fusion nominations were a well-established practice of Michigan politics; 2) whether the historical record suggests that Michigan’s fusion ban was motivated by partisan animus.

To preview our expert conclusions, our first opinion is that Michigan’s political parties engaged in cross-party coalition-building throughout the nineteenth century and that practice took many different forms, including fusion nominations. In contrast to the shifting interest- group coalitions of pluralist politics, *cross-party* coalitions were forged by organized parties who joined together to support partisan or principled goals. These alliances could support individual candidates and appear as nominations on multiple party tickets or multiple ballot lines, or they could forge a new party organization, which involved political parties willingly sacrificing their distinct ballot lines to merge onto a single ballot line with a new name. Our second opinion is that fusion nominations, a form of cross-party alliance that was a permitted practice, understood and used by Michigan political parties and voters, became firmly established as a practice during the last three decades of the nineteenth century. Once established, fusion nominations made cross-party coalition-building a more cooperative and democratically representative practice that,

¹ Peter H. Argersinger, “A Place on the Ballot: Fusion Politics and Antifusion Laws,” *American Historical Review* 85, no. 2 (1980): 287-306, at 297

² Michigan’s Public Acts, 1895, No. 271.

under some conditions, enabled third political parties to challenge the dominant parties of the moment. Our third opinion is that fusion nominations became a more frequent, established practice in Michigan, as in other states, in the 1870s. Our fourth opinion is that in Michigan, relative to other states where electoral fusion was practiced, political parties and voters made exceptionally consistent use of fusion nominations to effect cross-party alliances that, in the 1891-1892 legislative session, secured the passage of ground-breaking democratic reforms, including the secret ballot and proportional representation. Our fifth opinion is that Michigan's 1893 failed attempt to ban fusion and its 1895 fusion ban, like those in other states, was not only motivated by partisan animus against challenger parties but involved an exceptionally blatant act of "ballot manipulation."³

Qualifications--Disch

I, Lisa Disch, am a Professor of Political Science at the University of Michigan-Ann Arbor, where I have been a faculty member since 2008. I earned my Ph.D. at Rutgers University in 1988. From 1988 to 1990 I held a postdoctoral position as a Mellon Instructor in the Collegiate Division of the Social Sciences at the University of Chicago. From 1990 to 2008 I was a faculty member in the Department of Political Science at the University of Minnesota. A copy of my curriculum vitae is attached.

I am a political theorist whose expertise lies in the study of democratic politics and institutions. My research focuses on representation, third political parties, feminist political theory, and environmental thought. I published a book on electoral fusion, *The Tyranny of the Two-Party System* (Columbia University Press). In addition, I am the author of *Making Constituencies* (University of Chicago Press) and *Hannah Arendt and the Limits of Philosophy* (Cornell University Press), co-editor of *The Constructivist Turn in Political Representation* (Edinburgh University Press), co-editor of and contributor to *The Feminist Political Theory Handbook* (Oxford University Press), and editor of and contributor to *1970s Feminisms*, a special issue of *South Atlantic Quarterly*. I have also published articles in respected scholarly peer-reviewed journals such as the *American Political Science Review* and *Political Theory*. I serve on the editorial board of the *American Political Science Review* and am a member of the American Political Science Association. I am professionally active and give presentations at many national and international conferences.

My opinions in this case draw from my own knowledge of the history of fusion in the United States as well as a variety of sources including academic research, newspaper archives, and legal cases. I am being compensated by plaintiffs' counsel at the rate of \$150 per hour for my work in this case. The opinions I express in this report reflect my independent judgment, and my fees do not depend on the opinion or conclusions I reach. I reserve the right to modify my opinions as new information becomes available.

Qualifications--Goodman

³ Argersinger, "Place," 296.

I, Kelly Goodman, am a Faculty Fellow at Harvard University's Warren Center for Studies in American History and an Adjunct Professor of Educational Foundations at West Chester University of Pennsylvania, where I have been a faculty member since 2021. I earned my Ph.D. in History at Yale University in 2021. Before graduate school, I worked as a data analyst at a Detroit nonprofit and earned my B.A. from the University of Michigan. A copy of my curriculum vitae is attached.

I am a political historian whose expertise lies in the study of grassroots labor and education politics as well as the social history of institutions. My research focuses on legal and fiscal governance, state politics, education policymaking, and teacher unionism in the United States from the late nineteenth century to the present. My book manuscript *Tax the Rich: A History of Teachers, Unions, and School Finance in the Modern United States* (University of Pennsylvania Press) looks particularly closely at Michigan and California. I have published book reviews in respected scholarly peer-reviewed journals such as the *History of Education Quarterly*. My article manuscripts are under consideration at *Law and History Review* and *Modern Intellectual History* where editors asked me to revise and resubmit. I am professionally active and give presentations at many regional and national conferences.

My opinions in this case draw from my own knowledge of United States political history as well as extensive reading in secondary sources and research in primary sources including dissertations, periodicals, daily newspapers, quantitative data, and archival collections. I am being compensated by plaintiffs' counsel at the rate of \$75 per hour for my work in this case. The opinions I express in this report reflect my independent judgment, and my fees do not depend on the opinion or conclusions I reach. I reserve the right to modify my opinions as new information becomes available.

I had one graduate student and two undergraduate students assist me in gathering material for this report:

Jayson Otto, Ph. D. Student, History, Michigan State University

Mina Hinton, B. A. Student, History, West Chester University of Pennsylvania

Julien Levesque, B. A. Student, History, West Chester University of Pennsylvania

Executive Summary

Third party politics in nineteenth-century America was characterized by cross-party coalition-building among third political parties and between these challenger parties and one (typically the second place) major political party. Cross-party coalitions differ from the shifting interest-group coalitions of pluralist politics: they were alliances forged by organized parties to support partisan or principled goals. These alliances could form in support of individual candidates and appear as nominations on multiple party tickets or multiple ballot lines, or they could involve cross-party mergers where political parties willingly sacrificed their distinct ballot lines to inaugurate a single party organization with a shared ballot line and a new name.

The Free Soil Party (1848) and the Republican Party (1854) are products of such cross-party mergers, which were then called “fusions.”⁴ Leaders of Michigan’s anti-slavery third political parties played a key role in both mergers but were especially significant to the founding of the Republican Party, which got its start in a “fusion movement” that anti-slavery third parties and major party factions in Michigan (and Wisconsin) were the first to embrace prior to 1855.⁵ Michigan anti-slavery forces convened to found an “anti-Nebraska fusion” party in Jackson on February 22, 1854 (six days before the celebrated meeting in Ripon, Wisconsin, where anti-Nebraska forces committed to call themselves “Republicans”) and “inaugurated the Republican Party’s first formal state organization” in July.⁶

After a lull in the 1860s, the 1870’s saw an upsurge in third political party activity and a jump to 250 fusion candidacies in congressional and gubernatorial races, across more than 20 states.⁷ Fusion candidacies, which involved candidates receiving multiple nominations and appearing on the ticket of more than one political party, allowed political parties to form alliances without giving up their distinct ballot lines and identities, which could make cross-party coalition-building more cooperative and representative of the interests of political minorities. Fusion politics took two forms in addition to dual nominations: 1) *non-compete alliances*, where all cooperating parties maintained distinct tickets but refrained from contesting a particular office so as not to split the vote against the candidate of a coalition partner; 2) *party confederations*, where the co-operating parties hyphenated their names to signal a cooperative nomination of a single candidate or slate of candidates. Historian Peter H. Argersinger, a leading expert on nineteenth-century fusion and the antifusion movement, suggests that Michigan stood out during this period of fusion’s heyday: “By 1893, Michigan had perhaps experienced more consistent fusion politics than any other state.”⁸

Republicans claimed the majority in the Michigan legislature in the lead up to the Civil War and held it, “if often by only a plurality,” to the end of the nineteenth-century for all but one legislative session (1891-1892).⁹ Democrats remained competitive statewide up to the 1892 election by using the various forms of fusion to forge alliances with third political parties that (in the Midwest) were largely made up of former Republican party members. In 1882, the Democrats and the Greenbackers made a non-compete alliance over state, congressional, legislative, and county offices, apportioning nominations for these offices and ratifying the other party’s nominations at their conventions.¹⁰ That alliance enabled former Republican Josiah W. Begole, running on the Democratic-Greenback Labor Party fusion ticket, to seize the governorship from the Republican incumbent. Begole won by fewer than 5,000 votes while the

⁴ Corey M. Brooks, *Liberty Power: Antislavery Third Parties and the Transformation of American Politics* (University of Chicago Press, 2016), 196.

⁵ William E. Gienapp, *The Origins of the Republican Party 1852-1856* (Oxford University Press, 1987), 104.

⁶ Brooks, *Liberty Power*, 196-197.

⁷ Howard A. Scarrow, “Duverger’s Law, Fusion, and the Decline of American ‘Third’ Parties,” *Western Political Quarterly* 39, no. 4 (1986): 634-647 at 636.

⁸ Argersinger, “Place,” 295.

⁹ Peter H. Argersinger, “Electoral Reform and Partisan Jugglery,” *Political Science Quarterly* 119, no. 3 (2004): 499-520 at 504.

¹⁰ Paul A. Lovchuk, “Michigan Gold Democrats in the Campaign of 1896” (Ph.D. dissertation, Wayne State University, 1937), 5.

Republican ticket swept the remaining executive offices by margins of 8,500 to 14,000.¹¹ As the line graphs in Appendix A show, Democrats remained competitive up to the 1892 election, when Republicans regained control of the legislature. Fusion helped Michigan's nineteenth-century third political parties win office, which strengthened democracy because it improved political representation for political minorities and because those candidates often pioneered significant democratic reforms. In 1882, Democratic-Greenback Labor governor Josiah Begole established a Bureau of Labor Statistics, advanced women's suffrage, and reduced both interest and railroad rates—all high priority reforms for Greenbackers. In 1885, Democrat-Greenback state Representative George W. Walthew (Wayne County), also an officer in the Knights of Labor, proposed legislation that might have made Michigan the first state in the US to adopt Australian-style ballot reform.¹² Instead, the bill was defeated on the House floor, and it required six years, plus a (brief) Democratic takeover of the majority, to get the job done.

In 1891, the Democratic-majority legislature succeeded in passing the Miner Electoral Law, which provided for presidential electors to be selected by district rather than winner-take-all.¹³ An ingenious alternative to proportional representation that states could enact without Congressional approval, the reform infuriated Michigan Republicans and set off an “unprecedented legal challenge to overturn it.”¹⁴ Although fusion was not directly implicated in the Miner Electoral Law, Democrats “exulted” and Republicans feared that “Democratic fusion with Populists might leave Michigan Republicans with only one electoral vote” under the new law's provisions.¹⁵ In 1892, Michigan Attorney General Adolphus A. Ellis, who was elected to the post by a Patrons of Industry-Democratic Party fusion, successfully defended the Miner Electoral Law in the Michigan Supreme Court, which helped ensure its use in one presidential contest before its repeal by Michigan Republicans, one week into the 1893 legislative session.¹⁶

Fusionists' democratic entrepreneurship—from the short lived but radical Miner Electoral Law to women's suffrage and financial reform—catalyzed Republicans' first attempt to ban fusion upon regaining control of the state legislature in 1893. That year, Michigan and South Dakota were the first two states in the US to see a deliberate attempt to ban the nominating strategy.¹⁷ They were also the only two states where the “Industrial” party was active in building a socially transformative coalition of farmers and workers and running candidates for county, state, and federal offices, prior to the rise of the Populist Party.¹⁸

¹¹ Henry M. Utley and Byron M. Cutcheon, *Michigan as a Province, Territory and State*, vol. IV (The Publishing Society of Michigan, 1906), 151.

¹² Lionel Edward “L. E.” Fredman, *The Australian Ballot: The Story of an American Reform* (Michigan State University Press, 1968): 35.

¹³ Argersinger, “Partisan Jugglery,” 503.

¹⁴ Argersinger, “Partisan Jugglery,” 509. Argersinger explained that the legal challenge to the law was unprecedented both in scale and intensity, provoking heated attacks from President Benjamin Harrison, and with respect to the involvement of U.S. attorney general William H.H. Miller (formerly Harrison's law partner) in litigating the case. Miller's participation was “highly unusual,” even though he “acted as private counsel and not in his official capacity” quoted at 513.

¹⁵ Argersinger, “Partisan Jugglery,” 515.

¹⁶ Argersinger, “Partisan Jugglery,” 517.

¹⁷ Argersinger judged an 1891 Oregon election reform that prohibited a candidate's name from appearing on the ballot more than once to have banned fusion inadvertently. Oregon Republican passed a formal antifusion law in 1895. Argersinger, “Place,” 297-298.

¹⁸ “Many Entries for the Race,” *Washington Post*, November 4, 1890, 4.

House Republicans broke with their party leadership and sank the 1893 antifusion bill, with six voting no and fifteen abstaining in a testimony to the salience, familiarity, and taken-for-grantedness of fusion alliances in the state. The 1895 Michigan legislature that banned fusion also shrank the electorate by requiring would-be voters to take an educational test and restricting voter registration in big cities such as Detroit, where election outcomes were close and disfranchisement of ethnic Democrats could eliminate as many as a quarter of the party's voters.¹⁹ Michigan's antifusion law was more than a response to agrarian radicalism: it formed part of a sweeping rollback of democratic reforms that shut down majority-party opposition from Democrats in state politics for decades.

This memo focuses on third parties' use of electoral fusion from the 1870s through the state's ban on fusion in 1895 and the immediate aftermath of that ban. It demonstrates that during the heyday of electoral fusion, Michigan's third political parties engaged in fusion nominations with each other and sometimes with one of the dominant political parties. Third Party-dominant party fusions occurred primarily with Democrats and rarely with Republicans, the stronger of the two dominant parties. From 1870 onward, Michigan fusionists championed reforms to achieve both good government and improved representation for diverse political interests and ideologies. The memo also demonstrates that Michigan's antifusion law was motivated not only (or even principally) by the desire to prevent third-party electoral fusions with the Democrats, but also by the aim to rollback the broader package of pro-democracy policies that fusionists enacted from the 1870s through the Democratic-controlled legislature of 1891-1892. Fusion proved to be so deeply embedded in Michigan's electoral institutions and political culture, enjoying broad support among voters, third political parties, Democrats, and even some Republicans, that antifusion Republicans took extraordinary steps to ban it. Following the second, successful antifusion law of 1895, political parties continued to forge the cross-party alliances that had been so consequential throughout the century; having lost the crucial electoral foothold of an independent ballot line, those attempts soon died out.

Fusion in the 19th-century: Terminology and Significance

Today, political scientists define *fusion* as a practice of "jointly sponsored candidacies," where candidates receive nominations from and run on the ballot lines of multiple political parties.²⁰ Provided the votes are first tallied separately, then added (or fused) together, the practice allows each nominating party to "maintain its own autonomous identity."²¹

This definition is noteworthy for narrowing the range of meanings once associated with the word *fusion*, which newspapers and party leaders used before the Civil War as an umbrella term for various forms of multiple-party cooperation. By the final third of the nineteenth Century, fusion nominations were "commonplace," and typically took the form of

¹⁹ Argersinger, "Partisan Jugglery," 519.

²⁰ Scarrow, "Duverger's Law."

²¹ Scarrow, "Duverger's Law," 637.

“cooperation between a minor party and a major one,”²² although major parties used them on occasion to lock out third party challengers.²³

Scholars recognize the importance of fusion nominations to U. S. democracy for “help(ing) to sustain” a “more complex party system,” and increasing the competitiveness of the electoral system.²⁴ In the 1850s, roughly fifty fusion candidacies took place in congressional and gubernatorial races in five states.²⁵ Although scarcely any occurred in the 1860s, the 1870’s saw a jump to two-hundred and fifty fusion candidacies in congressional and gubernatorial races, across more than twenty states,²⁶ including Josiah W. Begole’s gubernatorial breakthrough on a Democratic-Greenback Labor Party fusion ticket in 1882. Although the number of fusion candidacies declined to 210 in the 1890s, the practice spread to over thirty states.²⁷ From 1874 to 1892, third political parties received at least twenty percent of the vote in one or more elections in more than half of the non-southern states.²⁸ Even when third political parties won a smaller vote share, they continued to play a critical role because this was a period when the two major political parties were fairly closely matched.²⁹ “Between 1878 and 1892 minor parties held the balance of power at least once in every state but Vermont, and from the mid-1880s they held that power in a majority of states in nearly every election.”³⁰

A Word about Ballots and Australian Ballot Reform

Fusion nominations were decided at party conventions but implemented on the face of the ballot. Fights over banning the practice centered on ballot format. For most of the nineteenth Century, states with paper ballots used the “party ticket, a strip of paper on which were printed the names of the candidates of only the party that issued it.”³¹ These tickets made fusion nominations practical because they “could easily include the name of one or more candidates whose names also appeared on one or more other party tickets.”³² In an era of fierce partisan loyalties, the party ticket also made such nominations palatable to “partisans of fusing parties [who] could cast their votes without explicitly acknowledging their shared behavior or its significance.”³³ States in the U.S. began adopting the Australian Ballot—a secret ballot,

²² Scarrow, “Duverger’s Law,” 634.

²³ Wisconsin’s Democratic and Republicans joined forces in 1895 in local races in Iowa County to shut out the People’s Party. *Iowa County democrat. (Mineral Point, WI) 28 Mar. 1895, p. 4. Retrieved from the Library of Congress, www.loc.gov/item/sn86086852/1895-03-28/ed-1/.*

²⁴ Scarrow, “Duverger’s Law,” 634.

²⁵ Scarrow, “Duverger’s Law,” 636. Scarrow noted that “only fragmentary data are available relating to fusion candidates at the local level” at 635, note 3.

²⁶ Scarrow, “Duverger’s Law,” 636.

²⁷ Scarrow, “Duverger’s Law.”

²⁸ Argersinger, “Place.”

²⁹ Argersinger, “Place.”

³⁰ Argersinger, “Place.”

³¹ Peter H. Argersinger, *The Limits of Agrarian Radicalism: Western Populism and American Politics* (University Press of Kansas, 1995), 17.

³² Scarrow, “Duverger’s Law,” 637.

³³ Argersinger, *The Limits of Agrarian Radicalism*, 17.

printed and distributed by the state, that listed the candidates of all parties on a single form—in the late 1880s.³⁴

Adoption of Australian electoral reforms transformed voting behavior by changing the ways the ballot invited people to vote.³⁵ Exchanging the party ticket for the official ballot gave states the opportunity to determine to what degree the new system would be as party-centric as the one it replaced. Political Scientist Jerrold G. Rusk documented an increase in split-ticket voting, which the Australian Ballot made easy and straightforward.³⁶ States could choose to offset that tendency by adopting features (such as a single checkbox) to facilitate straight-ticket voting and choosing the party column over the “objective, nonpartisan” office-group format.³⁷ Adoption of the Australian Ballot also made it possible for states to ban—but in no way required them to ban—fusion nominations, by allowing them to regulate ballot access.

States typically crafted access requirements to favor established parties by requiring third-party candidates to qualify for the ballot by petition, unless their party received “a certain percentage of the popular vote in the preceding election.”³⁸ Antifusion laws took advantage of the access requirements by prohibiting a candidate’s name from being listed on the ballot more than once. If two or more parties supported the same candidate, only one of them could claim the votes; the other(s) would lose their autonomous ballot line in the current election and forfeit their ballot status for the next one.³⁹

A Note on Sources and Methods

We found records of fusion nominations in Michigan in multiple sources. Party tickets such as those from 1890 attached in Appendix C were occasionally collected in personal papers and described in finding aids by archivists. Newspaper election notices containing sample ballots also document fusion nominations. Newspaper editors as well as the politicians who wrote letters to them reported on events such as party conventions and election returns and recounted fusion negotiations in these reports. This memo presents direct evidence of fusion nominations based on sample ballots, articles, editorials, and letters published in newspapers in addition to sample ballots included in legal proceedings from 1890 to 1896.

Electoral statistics and the State of Michigan Red Book or Michigan Manual are a second valued source for information on electoral outcomes. The Inter-university Consortium for Political and Social Research based at the University of Michigan preserves longitudinal datasets about state politics while Wikipedia.org presents select election results. Here, too, the record is incomplete because the Michigan Manual inconsistently reports successful instances of fusion nominations. For example, in 1882, a Democrat-Greenback Labor Party fusion

³⁴ Michigan saw the first attempt to pass Australian-style ballot reforms in 1885. The first state to succeed was Kentucky, which adopted the reform exclusively for the city of Louisville early in 1888. Eldon Cobb Evans, *A History of the Australian Ballot System in the United States* (University of Chicago Press, 1917), 18-19.

³⁵ Jerrold G. Rusk, “The Effect of the Australian Ballot Reform on Split Ticket Voting: 1876–1908,” *American Political Science Review* 64, no. 4 (1970): 1220-1238 at 1220, 1237.

³⁶ Rusk, “Split Ticket,” 1222–1223.

³⁷ Rusk, “Split Ticket,” 1221.

³⁸ Argersinger, *The Limits of Agrarian Radicalism*, 19.

³⁹ Argersinger, *The Limits of Agrarian Radicalism*, 20–21.

candidate won a key statewide victory in the race for Governor of Michigan (Josiah W. Begole). The Michigan Manual listed Begole as a “Fusionist” in multiple summary tables at the front of the 574-page volume.⁴⁰ However, Begole’s biographical sketch at the back of the volume described him as “the candidate of both the Greenback and Democratic parties.”⁴¹ By the 1890s, the Michigan Manual often listed state legislators under multiple parties in summary tables yet biographical sketches revealed additional cross-nominations and endorsements. Researchers must cross-check multiple sources and parts of sources to account for fusion.

Legislative history recorded in Michigan House and Senate journals can be reconstructed from published proceedings of parliamentary maneuvers, bill sponsors, roll call votes, and floor speeches.⁴² Researchers must carefully track bills within and across legislative sessions because bills are frequently mentioned without descriptive keywords and sometimes renumbered during session. For example, the attempted fusion ban of 1893 was numbered 718 in the House and 20 in the Senate. Published proceedings cross-referenced with digitized newspapers tell a fuller story. Contemporary newspaper accounts described the content of numbered bills with reference to bill sponsors. For example, editors and reporters frequently referred to the proposed antifusion law as “McKinlay’s bill” after its 1893 House sponsor or “the Shaw bill” after its 1895 Senate sponsor. McKinlay and Shaw described their intent to end fusion in letters to the editor published in newspapers. Many “party papers” were published by partisan newspaper editors whose accounts can be checked against each other as well as national reporting in *The New York Times* and *The Washington Post*. Newspapers.com, a subscription service, provides access to hundreds of nineteenth-century newspapers from all parts of Michigan. Digitized newspapers are keyword searchable for the names, places, dates, and events from which this history of fusion voting in Michigan is constructed. Reference materials such as county chronicles published by the Chapman Brothers as well as Henry M. Utley and Byron M. Cutcheon’s multivolume *Michigan as a Province, Territory and State* have also been digitized and are freely available through platforms such as Google Books. This research would have been prohibitively time-consuming and costly thirty years ago when scholars consulted newspapers and reference materials with incomplete indexes one by one for information.

There exists a wealth of secondary sources on fusion in Michigan as its rich history inspired scholarly attention from several generations of Michigan historians. Journal articles such as Sidney Glazer’s “Patrons of Industry in Michigan” published in the *Mississippi Valley Historical Review* (now the *Journal of American History*) and dissertations such as Paul A. Lovchuk’s “Michigan Gold Democrats in the Campaign of 1896” did not influence wider scholarship but are available through university libraries.⁴³ A more recent and widely cited group of scholars including Peter H. Argersinger wrote about Michigan’s political parties from 1837 to the present. Political historian Ronald Formisano graduated from Wayne State University in 1966 and

⁴⁰ *Legislative Manual of the State of Michigan for the Year 1883* (W. S. George & Co., 1883), 206, 216, <https://catalog.hathitrust.org/Record/011677992> hereafter *Michigan Manual 1883*.

⁴¹ *Michigan Manual 1883*, 458-459.

⁴² *Journal of the House of Representatives of the State of Michigan*, <https://catalog.hathitrust.org/Record/009953864> and *Journal of the Senate of the State of Michigan*, <https://catalog.hathitrust.org/Record/100730762>.

⁴³ Sidney Glazer, “Patrons of Industry in Michigan,” *Mississippi Valley Historical Review* 24, no. 2 (1937): 185-194. Lovchuk, “Michigan Gold Democrats.”

published his book on the state's antebellum political parties in 1971.⁴⁴ Formisano found Antimasons, Whigs, Libertyites, Democrats, Free Soilers, Independents, Know-Nothings, and Republicans in Michigan during the first half of the nineteenth century. These antebellum minority parties used fusion to provoke majority parties to represent a variety of ideas and interests. Between the long depression of the 1870s and the Panic of 1893, workers and their labor organizations fused with and founded political parties. Labor historian Richard Oestreicher graduated from Michigan State University in 1979 and published a 1986 book on Nationals, Independent Labor Party members, Greenbackers, Patrons of Industry, and Industrials who won local, state, and national elections on fusion tickets.⁴⁵

Combining secondary sources with recently digitized or carefully archived primary sources, this memo reveals Michigan's vibrant and robust nineteenth-century practice of minority political party influence through fusion voting.

Limitations of Single-Office Fusion Victories during the Greenback Era

The rise of the Greenbackers in Michigan illustrates the "fluidity" of party loyalties and impermanence of all nineteenth-century political parties.⁴⁶ Even the Democrats and Republicans were mutable coalitions of partisan organizations whose values and strategies varied geographically and across local, state, and national political arenas.⁴⁷ Fusion sometimes contributed to party longevity during that period, not just third-party longevity, as exemplified by Michigan Democrats remaining competitive statewide up to the 1892 election by using various forms of the practice to forge alliances with third political parties that (in the Midwest) were largely made up of former Republican party members.

The Greenback Party was founded in November 1874 on one central platform plank: the U.S. federal government should print paper currency and decide its value. The party drew momentum from the legislative compromises over monetary policy that split parties internally.⁴⁸ In the Midwest, Greenbackers formed a coalition among formerly Republican voters, farmers, workers, and their middle-class allies who wanted to raise crop prices and lower debtors' burdens, and manufacturers who wanted to expand their investment funds.⁴⁹ These voters were disaffected with Republican monetary policy that phased out "greenbacks" (paper currency backed by government bonds and printed to finance the U.S. Civil War) in favor of "hard money" currency backed with gold.⁵⁰

⁴⁴ Ronald P. Formisano, *The Birth of Mass Political Parties: Michigan, 1827-1861* (Princeton University Press, 1971).

⁴⁵ Richard Jules Oestreicher, *Solidarity and Fragmentation: Working People and Class Consciousness in Detroit, 1875-1900* (University of Illinois Press, 1986).

⁴⁶ Rachel A. Shelden and Erik B. Alexander, "Dismantling the Party System: Party Fluidity and the Mechanisms of Nineteenth-Century U.S. Politics," *Journal of American History* 110, no. 3 (2023): 419-448.

⁴⁷ Shelden and Alexander, "Dismantling the Party System," 425. Following the Civil War, the Democratic Party that "survived into the 1860s and 1870s was a completely different organization from its earlier iteration, in both its constituency and ideological commitments" at 435.

⁴⁸ David Montgomery, *Beyond Equality: Labor and the Radical Republicans, 1862-1872* (Vintage Books, 1967).

⁴⁹ Montgomery, *Beyond Equality*, 87-88.

⁵⁰ Montgomery, *Beyond Equality*.

In the throes of those currency wars and before they had formed as a party, Greenbackers received a boost from U. S. Representative Josiah W. Begole (R-MI), a founding member of the Republican Party, who was elected to the U.S. House in 1872, served from 1873-1875, and sat on the Committee on Agriculture and Public Expenditures. In April 1874, Begole voted with majorities in the U. S. House and Senate for the “Currency Bill” or Inflation Act of 1874 to increase the money supply by remonetizing silver.⁵¹ The support of so prominent a Republican lent legitimacy to the Greenbacker concern. President Ulysses Grant accelerated the Greenbackers’ entry into partisan politics by vetoing the “Currency Bill.”⁵²

Greenbackers’ influence in the agricultural Midwest grew steadily from the mid-1870s to the mid-1880s as the long depression dragged on and labor parties fused with major and minor parties on monetary policy. The Michigan gubernatorial candidate running solely on the Greenback ticket sharply increased their vote share from just under three percent (8,297 votes) in 1876 to nearly twenty-six percent (73,313 votes) in 1878.⁵³ Greenbackers nearly became the second major party as the Democratic gubernatorial candidate decreased their vote share from nearly forty-five percent in 1876 to just under twenty-eight percent in 1878.⁵⁴ Also in 1878, a group of Michigan Greenbackers who desired a more explicit alliance with workers joined labor leaders, including Detroit’s Richard F. Trelvellick, to launch the Greenback Labor Party.⁵⁵

Two years later, the party learned a hard lesson about the dangers of factionalism and benefits of fusion when two factions of the Michigan Greenbackers each nominated candidates in the 1880 gubernatorial race. The statewide party nominated Paw Paw farmer David Woodman, brother of a leader of farmers’ fraternal organization the Grange, while Greenbackers in the sixth congressional district chose former congressman Josiah W. Begole, who had become a prominent businessman.⁵⁶ The internal divide may have split the Greenbacker vote, depressed Greenbacker turnout, or deflected Greenbacker voters back to the dominant parties; it had a measurable effect on the outcome.⁵⁷ Woodman received barely nine percent of the vote, the Democrats re-established their position as the second largest party with just over thirty-nine percent of the vote, and Republican David H. Jerome won the governorship with fifty-one percent.⁵⁸

⁵¹ “Sketch of the Life and Public Services of Josiah W. Begole,” *Alpena Argus* (Alpena, MI), October 15, 1884, 5.

⁵² William D. Mallam, “The Grant-Butler Relationship,” *Mississippi Valley Historical Review* 41, no. 2: 259-276.

⁵³ “1876 Michigan gubernatorial election,” Wikimedia Foundation, last modified June 27, 2025, 05:39 (UTC), https://en.wikipedia.org/wiki/1876_Michigan_gubernatorial_election. “1878 Michigan gubernatorial election,” Wikimedia Foundation, last modified February 1, 2026, 22:36 (UTC), https://en.wikipedia.org/wiki/1878_Michigan_gubernatorial_election.

⁵⁴ Utley and Cutcheon, *Michigan*, vol. IV, 131.

⁵⁵ See Montgomery, *Beyond Equality*, 222-223 on Trelvellick.

⁵⁶ “The Michigan Canvass,” *Washington Post*, August 13, 1880, 1. In the early 1880s Begole founded the Flint Wagon Works, which later bought the Buick Motor Company and made Flint a hub of the automotive industry. Genesee County Historical Society, “Josiah W. Begole,” accessed May 8, 2026 at <https://www.geneseehistory.org/governor-josiah-begole.html>. Biographical Directory of the United States Congress, accessed May 9, 2026 at <https://bioguide.congress.gov/search/bio/B000316>.

⁵⁷ Begole did not compete in the 1880 gubernatorial race. Woodman received 925/39,219 votes or 2.36 percent in Begole’s home county of Genesee that year. *Legislative Manual of the State of Michigan* (W. S. George & Co., 1881): 208, 228. In 1878, Greenback gubernatorial candidate Henry S. Smith received 1,982/34,568 votes or 5.73 percent in Genesee. *Michigan Manual 1879*, 131.

⁵⁸ “1880 Michigan gubernatorial election,” Wikimedia Foundation.

The next election cycle handed Michigan Greenbackers their most significant victory when they fused with the Democrats to run Josiah W. Begole for governor on a Democratic-Greenback Labor Party ticket in 1882. The two parties opted for a non-compete alliance over state, congressional, legislative, and county offices, apportioning nominations for these offices and ratifying the other party's nominations at their conventions.⁵⁹ Begole took the governorship from Republican incumbent David Jerome by fewer than 5,000 votes while the Republican ticket swept the remaining executive offices by margins of 8,500 to 14,000.⁶⁰ The totals illustrate the power of fusion in the nineteenth-century when races were decided by extremely small margins and a dual nomination could decide the outcome even if it increased the vote share of the winning candidate by as little as one percent.⁶¹

Governor Begole's legislative achievements cast his election as an ambiguous victory for the Greenbackers and for the fusion strategy that produced it. He struggled to pass legislation through a Republican majority state legislature, a possible caution regarding the limits of fusion when it claimed victory in an executive race but could not capture seats in the legislature. Still, Begole secured two pro-democracy reforms that Greenback Labor Party members valued. First, he established a Bureau of Labor Statistics, which was a fusionist priority because it collected information about working conditions that labor leaders aimed to improve. Second, he enfranchised women to vote in local elections such as school board.⁶²

In 1885, Greenback-Democrat Congressman James B. Weaver introduced these Michigan victories into the Iowa Greenbackers' debate over the merits of fusion, at their state convention, held July 7 in Des Moines.⁶³ Weaver cited Michigan in an effort to galvanize the Iowans and persuade them to continue fusing with Democrats over the objections of the party's antifusion section, which was robust enough to hold regular "anti-fusion" conventions of its own.⁶⁴ Weaver, who had just been elected to the U. S. Congress for the second time as a fusion candidate (after an unsuccessful run for President on the Greenback Party line in 1880), declared that he "favored cooperation with the Democrats to overthrow the Republicans, and was not afraid of fusion; for if the Democrats absorbed them (the Greenback Party) they would have to become Greenbackers to do it."⁶⁵ Weaver invoked Michigan as proof of his preferred strategy, describing the "Michigan method" where "all of our (Greenback) principles are adopted by the

⁵⁹ Lovchuk, "Michigan Gold Democrats," 5.

⁶⁰ Utley and Cutcheon, *Michigan*, vol. IV, 151.

⁶¹ In 1882, Begole drew 49.4% of the vote running as a Democrat-Greenback candidate, an increase of 1.1% (3,121 votes) over the combined total of the Democratic and Greenback vote shares in 1880, when the parties ran separate candidacies. The vote share of Republican incumbent Jerome declined by only 3%. "1880 Michigan gubernatorial election" and "1882 Michigan gubernatorial election," Wikimedia Foundation.

⁶² Justin Corfield, "Michigan" in *U. S. Campaigns, Elections, and Electoral Behavior* (SAGE Publications, Inc., 2008). Suffrage rights were a longstanding interest of Begole's, who joined the Flint Woman's Suffrage Association as a Republican in 1870 and served as vice president of the Michigan Equal Suffrage Association during his governorship as a Greenbacker. Genesee County Historical Society, "Josiah W. Begole."

⁶³ "Political," *The Democratic Sentinel*, June 26, 1885, 2, <https://newspapers.library.in.gov/?a=d&d=DMST18850626.2.10>.

⁶⁴ Fred E. Haynes, *Third Party Movements since the Civil War* (1916): 191, 194.

⁶⁵ Haynes, *Third Party Movements*, 192.

democrats and you cannot today tell a greenbacker audience from a democratic audience.”⁶⁶ Weaver persuaded Iowa Greenbackers to fuse with Democrats in 1885. Although Republicans took the governorship anyway, they prevailed by a plurality of “only 5,216” votes, which suggested that “fusion almost wiped out the Republican margin.”⁶⁷

Between 1884 and 1888, a period of gradually waning influence for state-level Greenback parties, sociologist Fred E. Haynes described the project “to organize the radical element of the country under labor leadership” persisting alongside the emergence of a new wave of parties aspiring to be the vehicle of that amalgamation.⁶⁸ Haynes described various radical parties fearful of being merged “into a single party” on the Populist line, a reduced “coherence of the general radical movement” due to new analyses of capitalism, and an ongoing debate over whether fusion advanced radical politics or coopted it.⁶⁹ The founding of the Patrons of Industry perpetuated and intensified those debates in Michigan.

Democrats Win the Trifecta of State Power by Fusing with Patrons of Industry

As the national Greenback Party folded in the late 1880s, Fusionists, Democrats, and Republicans in Michigan, New York, Ohio, Indiana, and Wisconsin found a new home in the Patrons of Industry.⁷⁰ Short-lived but consequential, the Patrons of Industry made Michigan a leader in the movement to organize a farmer-industrial worker coalition at a crucial turning point in nationwide debates over the future of capitalism. The Patrons of Industry began as a “non-partisan farm order” that was launched in 1887 in Port Huron, MI by F. W. Vertican, a retired minister and founder of rural churches.⁷¹ Structured as a confederation of local chapters, county organizations, and state associations, the Patrons were presided over by a “Supreme Association” headed by Vertican and headquartered at Port Huron.⁷² Farmers established the first local chapter in Elmer Township, Sanilac County, MI in Fall, 1887.⁷³ Others followed rapidly and the organization grew to 200,000 members in 3,000 chapters in the U. S. and Canada by 1891.⁷⁴

The association initially aimed to serve its members as a “social agency,” a vaguely-defined mission that Michigan Patrons realized as a purchasing cooperative or “Patron store system” comprising local merchants, who agreed to sell goods “at a price not in excess of ten or twelve per cent” above wholesale, and exclusive purchase agreements with Patrons members.⁷⁵

⁶⁶ Weaver quoted in Haynes, *Third Party Movements*, 192. By contrast, Weaver cited the example of Maine, where he alluded somewhat cryptically either to corruption or co-optation (or both) on the part of Greenback founder Solon Chase whom Weaver claimed “ran the (Greenback) party so near to the republicans that the distance was short enough so that he could reach out his hand and receive the money into his palm”.

⁶⁷ Haynes, *Third Party Movements*, 193.

⁶⁸ Haynes, *Third Party Movements*, 206.

⁶⁹ Haynes, *Third Party Movements*, 202-203, 205.

⁷⁰ Patrons of Industry (Siloam, N.Y.) Records, Special Collections Research Center, Syracuse University Libraries, accessed January 25, 2026 at https://library.syracuse.edu/digital/guides/print/patrons_ind_prt.htm.

⁷¹ Glazer, “Patrons of Industry.”

⁷² Local chapters could be formed by “any group of ten,” without respect to sex, and members remained “in good standing” so long as they paid “the nominal dues.” Glazer, “Patrons of Industry,” 186; citing *Detroit Evening News*, October 26, 1889.

⁷³ Glazer, “Patrons of Industry,” 189; citing *Detroit Evening News*, October 26, 1889.

⁷⁴ Glazer, “Patrons of Industry.”

⁷⁵ Glazer, “Patrons of Industry,” 187.

Formulating the cooperative program occupied the organization for its first two years and “daily strengthen(ed)” its growth.⁷⁶ By April 1889, Michigan Patrons founded a state association at a convention at Port Huron, which sparked a rapid increase in membership—from 5,000 members in May to 75,000 by October—and fueled the Michiganders’ emergent interest in both partisan politics and fusion.⁷⁷ The association confronted both these issues head-on during its 1890 state convention held in Lansing on July 29th and 30th.

Michigan’s Bay County Patrons made an early start on the topic by convening a county a meeting two weeks prior to the statewide event. At that meeting, one hundred delegates from Bay City, Arenac, Tuscola, and Saginaw unanimously approved a resolution in favor of political action but committed to “steer clear of both old political parties and to support first and last a free and independent labor ticket.”⁷⁸ They voted to “fuse with all the unions, knights of labor assemblies and lodges of the Farmers’ alliance,” reckoning that their numerical strength would give them leverage to negotiate for their rights with the “two old parties” regardless whether they won at the polls. And to “prove to the world that there is no collusion,” Frank Osborn, leader of the Bay County committee of the Union Labor party (soon to take the name “Industrialists”), proposed nominating a county ticket before the Republicans or Democrats did.⁷⁹

The strategy for the state convention in Lansing seemed clear: “Plans had been made to hold the Industrialist and Prohibitionist conventions...immediately after the Patrons had assembled,” an arrangement that was “assumed” to “pave the way for the endorsement of the same candidates by the three bodies and thus make possible one powerful farmer-labor fusion party.”⁸⁰ Michigan’s Patrons of Industry, with approximately 100,000 members in 1,800 local chapters and county organizations, would be the largest group in the electoral alliance.⁸¹ If the Patrons membership, most of whom “were either Republicans or Democrats,”⁸² would stick with such a fusion, their numbers alone would likely win not only seats but also displace one or both major parties. Fusion between the Industrials (formerly Union Labor) and Patrons of Industry seemed almost natural, as each prioritized democratic reforms alongside pro-worker and pro-farmer financial policies. The Industrials’ platform invited the relationship by incorporating several Patrons’ policy priorities.⁸³ As for an official three-way nomination of a single candidate: improbable. The Industrials refused to fuse with Prohibitionists who wanted to ban alcohol, and Michigan Prohibitionists would “not join any party unless the latter adopt the main plank in our platform and that is no license and no whisky.”⁸⁴ Fusion allowed for fluid politics except when it came to temperance.

⁷⁶ Glazer, “Patrons of Industry,” 187.

⁷⁷ Glazer, “Patrons of Industry,” 186-187.

⁷⁸ “Political Patrons,” *The Bay City Times*, July 15, 1890, 5.

⁷⁹ “Political Patrons,” *The Bay City Times*, July 15, 1890, 5.

⁸⁰ Glazer, “Patrons of Industry in Michigan,” 189.

⁸¹ “Organization Notes,” *National Stockman and Farmer*, August 21, 1890, 14.

⁸² Glazer, “Patrons of Industry,” 187.

⁸³ These included: easing access to credit; shifting the tax burden from property to income; lowering transportation and communication costs; electing the U. S. president and U. S. senators by popular vote; plus adopting the eight-hour day and “the Australian ballot system.” See, “Four Parties in One,” *Washington Post*, August 2, 1890, 1.

⁸⁴ “Two New Parties,” *The Bay City Times*, August 1, 1890, 1.

Temperance was not the focus of conflict at the Patrons of Industry convention in Lansing. At a “closed session” on the first day, Michigan’s Patrons made the momentous decision “to become a political party”⁸⁵ and planned to nominate a slate for the executive branch of state government that would result in Republicans’ “almost certain defeat.”⁸⁶ On the second day, Republican Party leaders scuttled that project, working in coordination with Patron members whom the Democratic *Detroit Free Press* reported were the “trustiest henchmen” of Republican gubernatorial candidate James “Jim” Turner, who “could rely on them to do everything possible to head off an independent ticket.”⁸⁷ And so they did, by delaying debate on the independent slate until GOP loyalists outnumbered the third party faithful during a late-night vote, and passing resolutions written by Turner that changed the Patrons’ position from pro-political party on day one to anti-political party on day two.⁸⁸

The “Politics in Michigan” columnist described the Republicans’ “joke” as “too good to keep” and shared it in a Pittsburgh, PA newspaper:

Our salvation depended on spiking the guns of the Patrons of Industry and we knew it. Had the Democrats been fully alive to the situation, they could have prevented our people from getting control of the convention. They made the mistake of going to sleep at the wrong time.⁸⁹

Asleep at the wrong time or not, the Democrats won control of both houses of the legislature and the governorship in 1890.

Even without fielding a ticket of their own, the Patrons played a significant role in Democrats’ taking the House and Senate in 1890. The Patrons coordinated with Industrials at the state and local levels, with workers and farmers in Eaton and nearby counties joining together in an “Industrial Union” to promote “a better understanding and more fraternal feeling” among Michigan labor organizations as well as to pass legislation.⁹⁰ On the strength of that union, Eaton County elected two Millers to the state legislature—senator William and representative Samuel—who were locally known as Patrons of Industry, and who would see that body pass key Patron policy priorities. These priorities included lowering interest rates “from 8 and 10 to 7 and 6 percent,” revising the general tax law, and enacting local bills.⁹¹

Democrat Edwin B. Winans, a former state and congressional representative, ran successfully for governor. The Patrons did not contribute to Democrats’ winning the governor’s race, but they may have contributed to the Republicans’ losing. The day after the convention, most of Patrons members attended the Prohibitionist convention in Lansing, which nominated Azariah Partridge to run for governor. Partridge, a former Republican and temperance movement leader who had been active in the Grange and served as president of the Michigan Patrons of Industry since

⁸⁵ Glazer, “Patrons of Industry,” 189.

⁸⁶ “Politics in Michigan,” *The Pittsburgh Press*, September 2, 1890, 1.

⁸⁷ “The Patrons,” *Detroit Free Press*, July 30, 1890, 4.

⁸⁸ “Politics in Michigan,” *The Pittsburgh Press*, September 2, 1890, 1.

⁸⁹ “Politics in Michigan,” *The Pittsburgh Press*, September 2, 1890, 1.

⁹⁰ A statewide meeting was scheduled for December 19, 1890, in Lansing. Chas Hasse, “To Patrons of Industry, Alliance, Grangers, Knights of Labor...,” *Michigan Farmer*, December 13, 1890, 4.

⁹¹ Arthur S. White, “Coalition Legislature of 1891,” *Michigan History* 10, no. 4 (1926): 574-581 at 575.

winter 1890, accepted the nomination. To secure his participation, the Prohibition Party expanded its platform to include “the tariff reform and anti-monopoly plank” as well as “service pensions” for U. S. Civil War veterans.⁹² The Patrons’ active campaigning on behalf of Partridge mobilized a “larger-than-usual vote” for the Prohibition Party.⁹³ The outcome demonstrated the threat of fusion: Prohibitionists may have split the vote against Republican Jim Turner by delivering Partridge more than double the margin by which Winans beat him.⁹⁴

Electoral success, achieved with or without fusion, did nothing to halt the decline of the Patrons as an organization due to a loss of dues-paying members, disputes over “cooperation with other farm bodies,” and “fatal dissension” over the question of political action.⁹⁵ The decision to “remain non-partisan and non-political,” which Patron members reached at the organization’s first (and only) “world session” in March 1891, “after many hours of unfriendly debate,” sealed its fate.⁹⁶ Many of its dues-paying members left to join the Farmers’ Alliance “and other bodies committed to a definite program of radical political action.”⁹⁷ Michigan Patron leaders aligned with the Alliance at the end of 1891 and created a party by January 1892. Two-hundred delegates from the Patrons of Industry, Farmer’s Alliance, Knights of Labor, and National Citizens’ Alliance as well as the Prohibition, Industrial, and People’s parties met in Lansing to organize a “State People’s Party.”⁹⁸ They acted in time to contest the 1892 election, which proved a decisive turning-point for pro-democracy reform in Michigan.

“The Coalition Legislature of 1891”⁹⁹

The composition of Michigan’s 36th state legislature testified to the threat and the power of the alliance politics that Michigan Patrons had fought so hard to practice. In the 1890 election, various political parties practiced fusion in its various forms and counted at least eleven fusionists. The result—dubbed “The Coalition Legislature of 1891”—was a politically diverse body that pioneered significant pro-democracy reforms under Democratic leadership.

⁹² Civil War pensions were also a priority of Greenbacker Josiah W. Begole. “The P. of I. Mountain,” *Lansing State Journal*, July 30, 1890, 1. “Dividing Michigan’s Vote,” *New York Times*, July 31, 1890.

⁹³ Glazer, “Patrons of Industry in Michigan,” 190.

⁹⁴ “Michigan Politics,” *The Quarterly Register of Current History* vol. I (Evening News Association, 1892): 47-48.

⁹⁵ Glazer, “Patrons of Industry in Michigan,” 191.

⁹⁶ Glazer, “Patrons of Industry in Michigan,” 191.

⁹⁷ Glazer, “Patrons of Industry in Michigan,” 190.

⁹⁸ “Suffrage Straws,” *The Woman’s Column*, January 23, 1892, 4.

⁹⁹ Arthur S. White, “Coalition Legislature of 1891,” *Michigan History* 10, no. 4 (1926): 574-581 at 575.

It was an unstable coalition at the start, due to the composition of the Senate which included fourteen Democrats, fourteen Republicans, and four¹⁰⁰ Patrons of Industry.¹⁰¹ These numbers gave senate Democrats “only the most tenuous control” of the body, which depended on the cooperation of the Patrons, only “one of whom regarded himself as a Democrat, and two of whom had been fusion candidates of the Democrats but who refused to be affiliated with them.”¹⁰² To improve their odds, senate Democrats “ruthlessly” took advantage of their Republicans colleagues’ absence at the Republican state convention in late February to unseat two Republican senators who had run contested elections and replace them with their Democratic opponents.¹⁰³ The election delivered Democrats outright control of the House, where Republicans held thirty-four seats, Democrats secured fifty-nine seats on the Democratic ticket, and won four through cross-nominations with Patrons of Industry, while Industrials took three seats on their own ballot.¹⁰⁴

Even hyphenated party labels could not do justice to the dizzying array of joint nominations and cross-party endorsements that *helped seat many* members of this political unicorn: the first and last Democratic-majority legislature in Michigan after the U. S. Civil War.¹⁰⁵

¹⁰⁰ Argersinger, “Partisan Jugglery,” 504. Michigan voters elected a “famous trio” of state senators “the three B’s” John Bastone of Tuscola County, John R. Benson of Genesee County, and Aaron B. Brown of Montcalm County that the *Michigan Manual*’s directory credited to the Patrons of Industry ticket in 1890. The biographical sketch for Bastone, a farmer and Mason whom the directory listed as “PI” for Patron of Industry, noted that he was nominated by the Industrials and endorsed by the Democrats. Benson, a teacher, soldier, and, farmer, gave up his Republican party affiliation when he joined the Patrons of Industry and served as president of his local chapter. He was nominated by the Patrons in one county, the Industrials in another, and endorsed by the Democrats in both. Brown, a farmer and teacher, was previously a Republican and Greenbacker who ran on the fusion ticket in 1884. *Michigan Manual 1891-2*, 530-539, 565, 566, 567 quote at 566. Glazer, “Patrons of Industry in Michigan.”

¹⁰¹ Marcus Wilcox of Shiawassee County voted with the Patrons of Industry but called himself a Democrat according to the *Michigan Manual* directory. Wilcox listed as “P. of I.” in “Democrats’ Day,” *Weekly Expositor* (Brockway Centre), November 14, 1890, 2 and “Political Notes,” *The Times Herald* (Port Huron Daily Times), December 6, 1890, 4. Wilcox voted Republican from 1856 to 1884 and ran as a Democratic and Industrial candidate in 1890. *Michigan Manual 1891-2*, 577.

¹⁰² Argersinger, “Partisan Jugglery,” 504.

¹⁰³ Utley and McCutcheon, *Michigan*, vol. IV, 180. See Argersinger, “Partisan Jugglery,” 504 for the full story of the Democrats’ maneuver.

¹⁰⁴ Representatives Chisholm, Curtiss, Richardson, and Seeley were listed in the *Michigan Manual* directory as Patrons of Industry because they won on the “PI” ticket. Yet, Hugh Chisholm of Gratiot County was a “staunch Prohibitionist” nominated by the Patrons of Industry and endorsed by Prohibitionists and Democrats. John W. Curtiss of Isabella County was elected on the “Democratic and Patrons of Industry ticket” quote at 585. George F. Richardson of Ottawa County served in the Michigan House as a Greenbacker from 1885-1886 and was elected on the “Patrons of Industry and Democratic tickets” in 1890 quote at 604. Marvin L. Seeley of Genesee County, candidate on the “P. of I. and Democratic tickets,” won by only five votes; fusion delivered his slim margin of victory quote at 605. *Michigan Manual 1891-2*, 582-3, 585, 598, 604, 605. “Convention Day. The Work of the State Greenback Labor Convention Yesterday,” *Detroit Free Press*, August 20, 1894, 1.

¹⁰⁵ Local newspapers labeled additional Democratic state senators as Patrons of Industry: William Miller of Eaton County, and Enoch T. Mugford of Manistee County. “Democrats’ Day,” *Weekly Expositor* (Brockway Centre), November 14, 1890, 2. “Political Notes,” *The Times Herald* (Port Huron Daily Times), December 6, 1890, 4. Three state representatives won election on the Industrial ticket that cooperated in a non-compete alliance with the Patrons: Travis Leach of Tuscola County, John C. Rowden of Bay County who was also endorsed by Democrats, and Samuel Miller of Eaton County who was endorsed by Democrats and Prohibitionists and allied with the Patrons. Democrat William F. Lewis of Oceana County, who was endorsed by the Patrons of Industry, won on the Democratic ticket, and was listed as a Democrat. *Michigan Manual 1891-2*, 598. The Patrons of Industry themselves counted thirty-two members in the 1891 legislature according to “The Michigan Statesmen,” *Ann Arbor Argus*, January 23, 1891, 7.

Policy Achievements

Representative Arthur S. White (D) of Kent County reflected with pride on the financial relief that coalitional body achieved by lowering interest rates “from 8 and 10 to 7 and 6 percent,” revising the general tax law, and enacting local bills such as municipal boundary changes.¹⁰⁶ Legislators also reduced railroad rates and raised railroad property taxes, although this latter measure was ruled unconstitutional.¹⁰⁷ Patrons of Industry asked to abolish inspection of oil used for lighting to lower its cost, block state subsidies for the Grand Army of the Republic encampment in Detroit, and provide free textbooks to public school students.¹⁰⁸ The fate of these modest measures is unclear but Patrons’ sweeping proposal for economic change by reducing the value of debt was defeated.¹⁰⁹ The body accomplished institutional change by making two long-awaited reforms to the electoral process.

The first of these concluded the story that started in 1885 with the Knights of Labor’s Greenback-Democrat George Walthew.¹¹⁰ On July 3, 1891, the legislature enacted Australian-style ballot reform in full.¹¹¹ Act No. 190 of the public acts of 1891 provided “in the main for the Australian system of voting with a secret ballot” and the “blanket ballot,” a single form listing all candidates in one place.¹¹² Representative Frank E. Doremus of Ionia County (D), later Mayor of Detroit, drafted that ballot form, which would be used for decades.¹¹³

Patrons of Industry introduced petitions from across the state asking for Australian-style ballot reforms in February 1891.¹¹⁴ Patrons from Clinton County described these reforms using the language of individual autonomy and democratic freedom¹¹⁵:

¹⁰⁶ White, “Coalition Legislature of 1891,” 575. The cross-party alliance lost ground on these victories when the legislature was forced to cut appropriations after failing to pass its preferred taxes. Utley and Cutcheon, *Michigan*, vol. IV, 219.

¹⁰⁷ Glazer, “Patrons of Industry in Michigan” on railroad rates. White, “Coalition Legislature of 1891” on railroad taxes.

¹⁰⁸ *Journal of the Senate of the State of Michigan 1891*, vol. 1, 121, 143, 176, 192, 194, 219, 240, 337 (GAR), 185, 193, 194, 287 (textbooks), 194, 221 (oil), against highway tax (220).

¹⁰⁹ Patrons proposed “that the farmer be allowed to deduct the amount of the mortgage covering his property from his tax assessment or, in lieu thereof, that he be allowed to pay the whole tax assessed on his property and that the tax receipt for the amount of his assessment be a legal tender for the principal or interest on said mortgage, thereby ‘catching’ non-resident as well as resident money loaners.” White, “Coalition Legislature of 1891,” 574.

¹¹⁰ Fred A. Maynard, Respondent’s Brief in Fred Maynard, Report of the Attorney General of the State of Michigan for the Year Ending June 30, A.D. 1895 (Robert Smith & Co., 1895): 156-157.

¹¹¹ *Public Acts and Joint and Concurrent Resolutions of the Legislature of the State of Michigan Passed at the Regular Session of 1891* (Robert Smith & Co., 1891): 256-271.

¹¹² “Michigan,” *Appletons’ Annual Cyclopaedia and Register of Important Events* vol. 31 (D. Appleton and Company, 1891): 527.

¹¹³ White, “Coalition Legislature of 1891,” 576-577.

¹¹⁴ Patrons petitioned after the election law passed by the prior legislature was overturned in court due to its inclusion of cumulative voting. Senator Porter introduced a petition by one-hundred and twenty-three residents of Muskegon County, MI “asking for the Australian ballot system of voting” on February 12th. Senator Withington introduced a petition by eighty-nine electors from Jackson County, MI “asking that the present voting law be so amended as to provide for the full Australian voting system” on February 17th. *Journal of the Senate of the State of Michigan 1891*, vol. I, 193, 221.

¹¹⁵ *Journal of the Senate of the State of Michigan 1891*, vol. I, 337-338.

WHEREAS, The Australian ballot has been a standard around which all friends of ballot reform and good government unite, and, without regard to political opinions have rallied, and whenever applied has made voting decent and respectable and given dignity to the freeman's ballot by protecting him from the vicious interference of men, and making him absolute controller of his convictions; therefore

Resolved, That we, the Patrons of Industry of Clinton county, in association 2217, as friends of good government and decent elections, recognize in the Australian ballot the most efficient means ever yet devised by man of securing the secrecy of the ballot and freeing elections from bribery and corruption and the control of machine politics, and most urgently urge its consideration, should any changes be deemed expedient with our present election laws;

The Australian ballot bill that the legislature unanimously passed in its last days of session was watered down and some Patrons of Industry abstained. In the Senate, fifteen of sixteen Democrats, two of four Patrons, and seven of twelve Republicans voted yea on June 30th while the remainder abstained.¹¹⁶ In the House, fifty-five of fifty-eight Democrats, three of three Industrials, four of four Patrons, and twenty-five of thirty-five Republicans vote yea on June 30th while the remainder abstained.¹¹⁷

The second institutional reform dared to touch the third rail of U. S. politics, the electoral college. Representative John Miner of Detroit (D), a former tailor, lawyer, and police justice, brought to the coalitional legislature a bill that “provided for the election of the state’s presidential electors by districts instead of at large.”¹¹⁸ It afforded a state-level remedy for the anti-democratic effects of winner-take-all voting and plurality rule, a combination that systematically disfranchises “political minorities” and can seat candidates in the White House despite their having lost the popular vote.¹¹⁹ Miner’s bill was the “most successful and influential” reform effort to capitalize on the public response to the 1888 presidential election.¹²⁰ Republican challenger Benjamin Harrison unseated Democratic incumbent Grover Cleveland on a “minority vote”—that toxic combination of electoral college victory and popular vote loss.¹²¹ The outcome sparked “popular outrage” when the press revealed that Republicans secured the victory not only by pursuing a shrewd campaign strategy but thanks to “flagrant electoral corruption”: the press “exposed the treasurer of the Republican national committee urging Indiana party officials to undertake vote buying and other illegal electoral practices.”¹²² Corruption could well have made a difference in the outcome, as Harrison carried both states by margins that were slim enough to purchase and/or strongarm—14,373 votes in New York and just 2,376 in Indiana.¹²³

¹¹⁶ Analysis of votes in Appendix H, Fig. 1 table “History of Fusion Voting in Michigan.” *Journal of the Senate of the State of Michigan 1891*, vol. II, 1517-1518.

¹¹⁷ Analysis of votes in Appendix H, Fig. 2 table “History of Fusion Voting in Michigan.” *Journal of the House of Representatives of the State of Michigan 1891*, vol. III, 2184-2189.

¹¹⁸ Argersinger, “Partisan Jugglery,” 505.

¹¹⁹ Argersinger, “Partisan Jugglery,” 503.

¹²⁰ Argersinger, “Partisan Jugglery,” 504.

¹²¹ Argersinger, “Partisan Jugglery,” 517.

¹²² As for the strategy, Republicans devoted “their campaign resources to the competitive swing states of New York and Indiana.” Argersinger, “Partisan Jugglery,” 502.

¹²³ Argersinger, “Partisan Jugglery,” 502.

The 1888 election unleashed a wave of Australian-style ballot reform and a wave of constitutional amendments in the U. S. Congress to divide each state's electoral votes proportionally. The amendment proposals, which could go nowhere without Congressional approval, went nowhere because "Republicans recognized that the electoral college system operated to their advantage."¹²⁴ Proportional voting for presidential electors was a more comprehensive reform of greater benefit to third political parties. Thus, the Miner Electoral Law provided an ingenious alternative: a corrective to winner-take-all victories that states could enact without Congressional approval.¹²⁵

If the Miner Electoral Law promised clear partisan benefits to Michigan Democrats who would "be assured of nearly half the state's electoral votes,"¹²⁶ it also achieved a democratic victory of "obvious" national importance.¹²⁷ If broadly adopted, it "would prevent the election of minority presidents, move toward equalizing the value of the vote, and elimination political sectionalism and the unwarranted influence" accorded to swing states.¹²⁸ It would also "eliminate the systematic bias" that enabled Republicans to take the White House despite being the minority party in the electorate.¹²⁹ When the bill passed the Michigan legislature on a party line vote, Republicans recognized that they would confront the expense of competitive elections in Michigan and perhaps other "formerly safe" states; more importantly, they knew that the "whole calculus of national politics had been dramatically changed."¹³⁰

Infuriated, Republicans nationwide campaigned to sway public opinion against the reform, while those in Michigan initiated an "unprecedented legal challenge to overturn it."¹³¹ Politicians turned the Wolverine state into a verb: to "Michiganize" meant to select presidential electors by district rather than winner-take-all at-large elections.¹³² President Harrison became the Miner Electoral Law's "most insistent opponent," publicly denouncing the law and allowing U.S. attorney general William H.H. Miller, formerly Harrison's law partner, to litigate the case at the

¹²⁴ Argersinger, "Partisan Jugglery," 503.

¹²⁵ Selecting presidential electors by district was a return to the method that prevailed before the U. S. Civil War. Michigan added a twist: twelve electors would be elected by the voters of congressional districts and two would be elected by the voters of an eastern and western Michigan district. Argersinger, "Partisan Jugglery," 517, 505.

¹²⁶ Miner drew up the bill out of "anger that all of Michigan's electoral votes in 1888 had gone to the Republicans, whose popular vote was less than a majority and scarcely greater than that of the Democrats" Argersinger, "Partisan Jugglery," 505.

¹²⁷ Argersinger, "Partisan Jugglery," 505.

¹²⁸ Argersinger, "Partisan Jugglery," 505.

¹²⁹ Argersinger, "Partisan Jugglery," 505. Whereas the Republican Party advantage with respect to the presidency derived from the structure of the winner-take-all rule (which exaggerates the vote strength of the victor in closely divided states), the Democrats' "edge on the popular vote" was based on white supremacy, which permitted their unconstitutional "suppression of the votes of African American Republicans in the southern states" quote at 507-508, note 20.

¹³⁰ Argersinger, "Partisan Jugglery," 506.

¹³¹ Argersinger, "Partisan Jugglery," 509. They nominated their presidential electors on a general ticket rather than by district, then asked the Democratic Secretary of State to send the election notice, and, when he refused, applied for a writ of mandamus from the Michigan Supreme Court in May 1891. The case proceeded quickly through both the Michigan and U. S. Supreme Courts due to the upcoming presidential election.

¹³² Argersinger, "Partisan Jugglery," 506.

U. S. Supreme Court.¹³³ Even with Miller’s participation, which was “highly unusual” despite that he “acted as private counsel and not in his official capacity,” the nation’s highest court upheld the Miner Electoral Law in October.¹³⁴ Weeks later, Michigan electors gave nine votes to the Republican and five votes to the Democratic presidential candidate, fewer than some Michigan Democrats predicted.¹³⁵

Fusion was not directly implicated in the Miner Electoral Law.¹³⁶ But the new law extended the reach of the electoral strategy and intensified its threat to the majority party. By boosting the vote totals of coalition partners in individual races, fusion would now increase its dominant-party partner’s influence over presidential selection. Whenever fusion helped the Democrats or Republicans capture a district, they would also win its electors. Democrats “exulted,” and Republicans feared that “Democratic fusion with Populists might leave Michigan Republicans with only one electoral vote” under its provisions.¹³⁷ The prospect of additional electors created additional incentives for the dominant parties (and reluctant alternative parties) to pursue fusion alliances. In combination, fusion and the Miner Electoral Law were self-reinforcing, creating a counterforce to Michigan Republicans’ disproportionate hold on political power.

This proximate historical context makes a strong case for attributing Michigan’s fusion ban to partisan animus.

Republican Majority Back in Charge—1893

The Repeal of the Miner Electoral Law

In the opening days of the 1893 legislative session, Michigan Senate and House Republicans schemed to set the playing field to amend election law to ban fusion and repeal the Miner Electoral Law that allocated presidential electors based on district rather than winner-take-all elections. Michigan Senators made repealing the Miner Electoral Law their first order of business, passing S. B. 1 on January nineteenth by a straight party line vote of twenty Republicans to eight Democrats and one Populist. Michigan Representatives took until May 24th to do the same. Sixty-two Republican representatives voted Yea while twenty-three Democratic and two Populist representatives voted nay. The Michigan House had first considered the fusion ban. The Republicans who voted down the fusion ban (against their party) voted up the Miner Electoral Law, also against their party.¹³⁸

¹³³ Argersinger, “Partisan Jugglery,” 508, 513. The case went to the Court in late June 1892, after being upheld by the Michigan Supreme Court in view of legislative deference, at 511.

¹³⁴ Argersinger, “Partisan Jugglery,” 513.

¹³⁵ Utley and Cutcheon, *Michigan* vol. IV, 183-184 on vote count. Argersinger, “Partisan Jugglery,” 505 on vote prediction.

¹³⁶ Michigan Attorney General Adolphus A. Ellis, elected to the post by a Patrons of Industry-Democratic Party fusion in 1890, successfully defended the Miner Electoral Law in the Michigan Supreme Court. Michigan Supreme Court Justice Alan B. Morse, who was elected on a fusion ticket in 1885, sat on the Court until 1892, and cast a vote in favor of the Miner Electoral Law. Argersinger, “Partisan Jugglery,” 511.

¹³⁷ Argersinger, “Partisan Jugglery,” 515.

¹³⁸ Analysis of votes in Appendix H, Fig. 2 table “History of Fusion Voting in Michigan.”

The repeal paid off in the next presidential election. When Republican William McKinley was elected U. S. president in 1896, he received all fourteen of Michigan's electoral votes even though he won only fifty-four percent of the state's popular vote against William Jennings Bryan, who ran as a Populist in Michigan.¹³⁹ If the Miner Electoral Law had remained on the books, Bryan would have carried several Michigan electors. While Michigan's electors would not have been the margin of victory in 1896 when McKinley won with 271 electoral votes to Bryan's 176, the state could have influenced other states to pass proportional representation for presidential electors. McKinley received fifty-one percent of the national popular vote and the knowledge that their vote mattered under proportional representation could have motivated voters to change their minds.

A Failed Partisan Ban on Electoral Fusion: 1893

The democratic entrepreneurship of the cross-party coalition—from the short lived but radical Miner Electoral Law to women's suffrage and financial reform—catalyzed Republicans' first attempt to ban fusion upon regaining control of the state legislature in 1893. That year, in Michigan and South Dakota, Republicans made the first deliberate attempts at banning fusion nominations, succeeding in South Dakota but failing in Michigan.¹⁴⁰ They were also the only two states where the "Industrial" Party was active in building a socially transformative coalition of farmers and workers in addition to running candidates for county, state, and federal offices, prior to the rise of the People's or Populist Party.¹⁴¹

Disentangling fusion from the warp and woof of Michigan political culture posed a greater challenge. To set the balance of power in their favor, Republican legislators launched a campaign to unseat senators and representatives who had been elected to the body by means of fusion. They first attempted and failed to unseat Senator Enoch Mugford of Manistee County, whose name appeared on the Democratic, Independent Democratic, and People's tickets, by claiming that fusion was illegal. Republican A. Oren Wheeler, who lost his senate race to Mugford, had appealed the election result to the Michigan Supreme Court, which denied his writ of mandamus. Failing to secure legal remedy, Wheeler asked the twenty-two Republican state senators to use their majority to unseat Mugford.¹⁴² Senate Republicans secretly met and agreed to seat Wheeler but they were blocked by the Michigan Supreme Court on January 18th.¹⁴³ The court issued an opinion in a related case, *Lindstrom vs. the Board of Canvassers of Manistee County*, affirming the legality of fusion with the claim that "a candidate may legally run on more than one ticket" (as reported by Democratic Senator James Turnbull).¹⁴⁴ Attempting to justify his caucus' action, an unnamed Republican senator tipped his partisan hand, acknowledging that the legal right to fusion put the Republican Party at a competitive disadvantage in a context of broad public support for democratic reform: "We don't propose to allow the Democrats to make allies of the

¹³⁹ "1896 Michigan presidential election," Wikimedia Foundation, last modified May 4, 2026, 22:45 (UTC), https://en.wikipedia.org/wiki/1896_United_States_presidential_election_in_Michigan.

¹⁴⁰ Argersinger judged an 1891 Oregon election reform that prohibited a candidate's name from appearing on the ballot more than once to have banned fusion inadvertently. Oregon Republican passed a formal antifusion law in 1895. Argersinger, "A Place on the Ballot," 297-298.

¹⁴¹ "Many Entries for the Race," *Washington Post*, November 4, 1890, 4.

¹⁴² "Tateum Will Be Speaker." *Detroit Free Press*, January 4, 1893, 1.

¹⁴³ "Mugford Will Stay," *The Lansing Journal*, January 18, 1893, 8.

¹⁴⁴ "A Barefaced Steal," *Detroit Free Press*, February 15, 1893, 3.

Populists, Prohibitionists or any other party, and get up combination tickets against us. We can whip them singlehanded, but we don't intend to fight all creation."¹⁴⁵

Next, senators targeted Senator Milton F. Jordan (D) of Barry County, who had voted against the repeal of the Miner Electoral Law on January 19th.¹⁴⁶ This time, rather than contest fusion's legality, they alleged that Jordan's votes on the Prohibition line—which delivered the win—were illegal because the Prohibition Party convention that nominated him did not reach quorum.¹⁴⁷ Jordan challenged the evidence for this claim and appealed to his fellow senators to rise above party affiliations and partisanship to breathe the "pure air of right and justice."¹⁴⁸ Two Republicans voted against unseating Jordan, Frank Clapp of Battle Creek and Samuel Hopkins of Mt Pleasant, which left a third, Charles McGinley of Sanilac County, as the deciding vote. McGinley was told "You've got to get into line"¹⁴⁹ and reminded that House Republican leaders threatened consequences for disloyal members: "Unless you stand up to the rack and go with your party no legislation desired by you will ever see the light of day."¹⁵⁰ Republicans would do anything to secure a numerical advantage for the fusion ban, not only tricking Democrats out of their seats but coercing their own party colleagues.

Finally, the House unseated the only Democratic representatives from Detroit. Republican challengers Harlow P. Davock and Bernard F. Schellberg of Wayne County lost their races to incumbent Democratic Representatives William W. Griffin and Otto H. Rusch by a few dozen votes and lodged protests before the House.¹⁵¹ House Republicans referred the issue to a special committee that held hearings about alleged election fraud in Detroit.¹⁵² Witnesses revealed that Polish and Italian voters in a packed precinct required help with their ballots because they did not speak English and/or were unfamiliar with the new voting process that replaced the party ticket. The majority report called it fraud while the minority report strenuously objected.¹⁵³ The *Saginaw Evening News* considered the proceedings in the House and Senate "so revolutionary that a few Republican members and Senators voted with the Democrats or refrained from voting at all, but the Republican party whip was wielded vigorously enough to command the necessary votes and complete the outrage on the franchise."¹⁵⁴ The House swore in Davock and Schellberg on February 17th just in time for the vote on a fusion ban two weeks later.¹⁵⁵

¹⁴⁵ "Not Much Business Done," *Detroit Free Press*, January 5, 1893, 1.

¹⁴⁶ Analysis of votes in Appendix H, Fig. 2 table "History of Fusion Voting in Michigan" from *Journal of the Senate of the State of Michigan, 1893*, vol. I (Robert Smith & Co., 1893): 141. Because Republican senators voted him out on February 14th, Jordan was not listed in the *Michigan Manual's* directory, although his vote against repeal was tallied.

¹⁴⁷ "A Barefaced Steal," *Detroit Free Press*, February 15, 1893, 3. See *Journal of the Senate of the State of Michigan, 1893*, vol. I, 13 on the margin of victory. Jordan won by 326 votes, less than the Prohibition votes he received.

¹⁴⁸ "A Barefaced Steal," *Detroit Free Press*, February 15, 1893, 3.

¹⁴⁹ Quoted in "An Emphatic Protest," *Detroit Free Press*, February 16, 1893, 7.

¹⁵⁰ Quoted in "Stole Two Seats," *Detroit Free Press*, February 18, 1893, 8.

¹⁵¹ "Not Much Business Done," *Detroit Free Press*, January 5, 1893, 1. *Journal of the House of Representatives of the State of Michigan, 1893* vol. I (State Printer, 1893): 14-16.

¹⁵² "The Contested Seats," *Detroit Free Press*, January 19, 1893, 5.

¹⁵³ "The House," *Detroit Free Press*, February 15, 1893, 3. "Stole Two Seats," *Detroit Free Press*, February 18, 1893, 8.

¹⁵⁴ *Detroit Free Press*, February 25, 1893, 4.

¹⁵⁵ *Journal of the House of Representatives of the State of Michigan, 1893*, vol. I (State Printer, 1893): 607-611. "The House," *Detroit Free Press*, February 21, 1893, 3.

House Bill “H. B.” 718 was “intended to prevent fusion nominations, whereby a candidate who is nominated by two or more parties can have his name printed upon the official ballot in as many columns as there are parties who nominate him.”¹⁵⁶ The bill was introduced by Representative John McKinlay of Detroit, sent to committee, debated, and tabled multiple times during the spring of 1893.¹⁵⁷ To justify the proscription against double listing, Republicans claimed that, “the form of the ticket goes back to pure Australian idea,” positioning the fusion ban as they positioned other election reforms: as a return to an Australian template for electoral reforms that Democrats supported in the 1891-1892 legislature and from which fusion constituted an unfortunate deviation.¹⁵⁸

The Senate approved its version, S. B. 20, by a straight party line vote of seventeen Republicans to seven Democrats on March 1st.¹⁵⁹ That same day, the House sent H. B. 718 to the committee on elections and began the countdown to a vote.¹⁶⁰ Legislators filibustered to slow down the bill in early March as they waited for esteemed Democratic Representative Thomas Barkworth, whom “Democrats summoned...from Jackson by telephone and telegraph to assist them in the contest.”¹⁶¹ During the March 8th evening session, Speaker of the House William A. Tateum of Kent County suspended the rules by a vote of two-thirds of those present. Democrats and Republicans offered a variety of minor amendments as debate stretched late into the night. A representative finally called the question, and the vote proceeded. Even with yes votes from Davoc and Schellberg (the Republicans who took the places of the unseated Democrats from Detroit), the House failed to approve the 1893 antifusion bill with the necessary fifty-one votes. Forty-eight Republicans voted yea while six Republicans and twenty Democrats voted nay.¹⁶²

Thanks to Michigan radicals’ quick action in forming the People’s Party in the throes of the Patrons’ dissolution, several populists won election to the state legislature in 1892 and had a voice in the anti-democratic rollbacks of the 1893 session.¹⁶³ Representatives Charles Kellogg of St. Joseph and Sylvester Strong of Jackson in addition to Senator Schuyler Champion of Ingham and Shiawassee counties were the only Populist-Democrats listed in the *Michigan Manual’s* directory for the 1893-1894 session.¹⁶⁴ Although they abstained from voting on the antifusion bill, they voted no on the motions to unseat the two Democratic representatives from Detroit and opposed repealing the Miner Electoral Law. Democratic Representatives John Kirkwood of Cass

¹⁵⁶ “Michigan Legislature,” *Jackson Citizen Patriot*, March 2, 1893, 3.

¹⁵⁷ *Journal of the House of Representatives of the State of Michigan, 1893*, vols. I-II, 697, 886, 971-2, 989-992, 1000, 1013-16, 1028-1032, 1575.

¹⁵⁸ In fact, Americans made many adaptations to the Australian system, chief among them provisions for party designations and office designations. Eldon Cobb Evans, *A History of the Australian Ballot System in the United States* (University of Chicago Press, 1917): 30.

¹⁵⁹ *Journal of the Senate of the State of Michigan, 1893*, vol. I, 537.

¹⁶⁰ *Journal of the House of Representatives of the State of Michigan, 1893* vol. II, 886.

¹⁶¹ “The State Solons,” *Saginaw Courier-Herald*, March 9, 1893, 5.

¹⁶² The Temporary Speaker who voted no was George Wagner. Roll call vote in *Journal of the House of Representatives of the State of Michigan, 1893*, vol. II, 1028-1032. Party affiliation in *Official Directory and Legislative Manual of the State of Michigan for the Years 1893-1894* (Robert Smith & Co., 1893): 688-693 hereafter *Michigan Manual 1893-1894*.

¹⁶³ Analysis of votes in Appendix H, Fig. 1, 2 table “History of Fusion Voting in Michigan.”

¹⁶⁴ *Michigan Manual, 1893-1894*: 592, 602, 567 (bios), 684-693 (directory). Bios confirm Democratic affiliation.

County and Arthur S. White of Kent County claimed to support the People's Party in their legislative biographies.¹⁶⁵ White voted no on the 1893 antifusion bill, while Kirkwood abstained.

Historian Peter H. Argersinger noted that Michigan came within three votes of joining South Dakota as the first state to intentionally ban fusion in 1893.¹⁶⁶ Republicans cast the three deciding votes against their own bill. One of the three, Patrick Hart of Battle Creek, had abstained from the February 17th vote to seat Davock and Schellberg. Another, Abram Blakley of Alpena, was the only Republican to vote no on February 17th.¹⁶⁷ The third, House Speaker Tateum, cast a strategic "no" because he anticipated the negative result and wanted the right to reconsider the vote and table the bill for future debate, a maneuver permitted only to members who vote on the winning side.

Democratic Representative Barkworth protested keeping the question open:

Nothing we can do during the session will more closely affect the rights supposed to be guaranteed to us by the constitution. Representatives of many hundreds of thousands of freemen desirous of being heard upon a question of supreme import in a republican form of government, are per force silent. When history shall record the acts of the Legislature of 1893, the attempted passage of this bill under such circumstances will attract the attention of observing patriots and not to our credit as a body.¹⁶⁸

The Senate tabled their version S. B. 20 the next day, March 9th.¹⁶⁹ On April 27th, the House sent H. B. 718 back to the election committee, where it died.¹⁷⁰

Editorialists did not wait for history's judgment to discredit William A. Tateum's leadership of the Legislature of 1893. A Democratic newspaper charged that Speaker Tateum's "intense partisan spirit has made his rulings so unfair that his own friends blush at the spectacle."¹⁷¹ Critics castigated Tateum for high-handed methods such as suppressing minority protest by suspending House rules as well as disrespectful remarks such as insulting a fellow legislator as "a pup."¹⁷² Presumably the first term state legislator lacked the finesse for a bruising floor fight. Republican leaders realized "that the house under his leadership has damaged the chances for Republican success this spring very materially."¹⁷³

Rather than force Tateum out of the party, Michigan Republicans gave him important partisan assignments out of the public eye. Tateum left the legislature and drew a corporate salary at the Allis Pump company in 1894 while continuing to participate in Republican politics in Grand

¹⁶⁵ Kirkwood was nominated by Populists and "endorsed" by Democrats. White ran on the "Democratic and People's Party tickets." *Michigan Manual, 1893-1894*: 592-593, 606, 688-693.

¹⁶⁶ Argersinger, "Place," 296.

¹⁶⁷ Blakey, who hailed from a pro-fusion part of the state, resigned rather than finish out his term after the vote. Michigan Legislative Biography, Library of Michigan, accessed January 25, 2025 at <https://mdoe.state.mi.us/legislators/Legislator/LegislatorDetail/1191>.

¹⁶⁸ *Journal of the House of Representatives of the State of Michigan, 1893*, vol. II, 1031-1032.

¹⁶⁹ *Journal of the Senate of the State of Michigan, 1893*, vol. I (Robert Smith & Co., 1893): 656.

¹⁷⁰ *Journal of the House of Representatives of the State of Michigan, 1893*, 1574-1575.

¹⁷¹ "Inefficient Officials," *The Saginaw News*, March 9, 1893, 4.

¹⁷² "Inefficient Officials," *The Saginaw News*, March 9, 1893, 4.

¹⁷³ "Inefficient Officials," *The Saginaw News*, March 9, 1893, 4.

Rapids and Lansing.¹⁷⁴ Coincidentally, or strategically, Tateum campaigned for U. S. Representative Julius Caesar Burrows to receive the Republican nomination in a race to fill a vacant U. S. Senate seat.¹⁷⁵ Burrows' special election victory led to the fusion ban in spring 1895, as described below.

A Partisan Ban on Electoral Fusion: 1895

In the spring of 1895, Michigan legislators passed the antifusion law on their second try by a vote of twenty-six to one in the Senate on February 28th and fifty-two to twenty in the House on March 13th.¹⁷⁶ The Senate concurred with the House's substitute version on March 13th, and Governor John T. Rich (R) signed it the next day.¹⁷⁷ Act No. 190 of the public acts of 1891, as amended on March 14th, 1895 now read "it shall be unlawful for said board of election commissioners to cause to be printed in more than one column on the ballot the name of any candidate who shall have received the nomination by two or more parties or political organizations for the same office."¹⁷⁸ A candidate with multiple nominations had to select which party column to appear in within five days of certification or the board of election commissioners would print their name in the column of the first party to notify the board of its nomination. A western Michigan newspaper summarized the legislation as "prohibiting political fusion upon all nominations for offices down to constable."¹⁷⁹ The state legislature took a few weeks to outlaw township and city candidates' names appearing on more than one ticket, and Attorney General Fred Maynard upheld the total fusion ban after nearly a year.¹⁸⁰

Voting in the Michigan Legislature on Antifusion Legislation

Michigan Senators (32 total)

1891-1892	16 Democrats, 4 Patrons of Industry, 12 Republicans ¹⁸¹
1893-1894	9 Democrats, 1 Populist, and 22 Republicans
S. B. 20	17 Republicans voted Yea while 7 Democrats voted Nay on committee draft ¹⁸²
1895-1896	8 returning members, all of them Republican, 24 new R
S. B. 63	26 Republicans voted Yea while 1 Republican voted Nay

Michigan Representatives (100 total)

¹⁷⁴ "May All Take Trips. Aldermen Logic and Pearl Are Investigating Pumps, Too," *The Evening Press* (Grand Rapids), June 5, 1894, 1. "Ernest B. Fisher. He Leads the Republican Hosts This Spring," *The Evening Press* (Grand Rapids), March 24, 1894, 1. "It Was A Rouser," *The Evening Press* (Grand Rapids), October 13, 1894, 1.

¹⁷⁵ "Political Chat," *Lansing State Journal*, December 21, 1894, 1. "All Three Confident. Lieutenants of Senatorial Aspirants on the Field." *Detroit Free Press*, December 27, 1894, 3.

¹⁷⁶ Five senators abstained: Frank Clapp, Augustus Jewell, Fred Warner, John Watts, A. O. Wheeler. *Journal of the Senate of the State of Michigan, 1895*, vol. I (Robert Smith & Co., 1895): 373-374 (text of SB 63), 457-458 (vote). *Journal of the House of Representatives of the State of Michigan, 1895*, vol. II (Robert Smith & Co., 1895): 961.

¹⁷⁷ *Journal of the Senate of the State of Michigan, 1895*, vol. I, 652-653.

¹⁷⁸ Antifusion amendment listed in Section 12 of Act No. 190 in *Journal of the Senate of the State of Michigan, 1895*, vol. I, 373-374 and in Section 10 of Act No. 190 in Maynard, Respondents Brief in Maynard Report, 155.

¹⁷⁹ "Michigan Legislature," *The True Northerner*, May 24, 1895, 7.

¹⁸⁰ "New State Laws," *The Diamond Drill*, June 8, 1895, 3. *The Belding Banner*, March 5, 1896, 4.

¹⁸¹ *New York Times* count. *Michigan Manual* count: 17 Democrats, 3 Patrons of Industry, 12 Republicans.

¹⁸² *Journal of the Senate of the State of Michigan, 1893*, vol. I, 537. Note: vol. II of the *Journal of the Senate, 1893* is not digitized.

1891-1892	59 Democrats, 4 Patrons of Industry, 3 Industrials, 34 Republicans ¹⁸³
1893-1894	27 Democrats, 4 Populists, and 69 Republicans ¹⁸⁴
H. B. 718	48 Republicans voted Yea; 19 Democrats, 1 Populist & 6 Republicans voted Nay
1895-1896	28 returning members, all of them Republicans, 71 new R and 1 D
H. B. 210	52 Republicans voted Yea while 1 Democrat and 19 Republicans voted Nay

Newspapers regularly referred to the 1895 antifusion bill as the Shaw bill after its sponsor Senator Edwin Shaw of Newaygo County (R) to discredit it as partisan. Shaw, a long-time Republican newspaper publisher, Mason, and lawyer barred in 1892, served on the Michigan Republican Party's central committee during the failed fusion ban in 1893. After that failed attempt, Shaw opposed the Farmers Alliance or Populists and its "new party, fusion" in the pages of his influential newspaper the *Newaygo Republican*.¹⁸⁵ Governor John T. Rich (R) attended the paper's party to celebrate twenty-five years of Shaw's editorship in 1894.¹⁸⁶ Shaw represented his newspaper at the May 1895 meeting of the Michigan Republican Newspaper Association just weeks after the fusion ban.¹⁸⁷ In the heat of July, Shaw described the year's legislation to the 27th annual meeting of the Michigan Press Association alongside fellow lawyer and Republican publisher Perry F. Powell of the *Cadillac News and Express*.¹⁸⁸ Shaw defended his intentions:

It is, in spite of the misrepresentations indulged in, really a law in the interest of purer elections and is calculated to supplement those previous Australian enactments which have done so much for the purification of the ballot. All those familiar with practical politics know the disgusting methods and corrupting practices of strikers who make a business of getting up fusion alliances for hire.¹⁸⁹

Shaw's accusation that "strikers" profited from "fusion alliances for hire" likely referred to candidates who struck their name from the ballot and offered their line to a fusion candidate.

Rather than debate fusion on its merits, Shaw parroted familiar Republican charges that associated fusion with fraud. Shaw claimed it was "well known that men have in the state frequently gotten up so-called conventions, manipulated the same so as to have themselves nominated, and then sold out for cold cash to some other candidate nominated on some other ticket."¹⁹⁰ For example, Shaw found it suspicious that the Populist convention nominated a Mr. McDougal of Hillsdale County for U. S. representative from the third congressional district but Mr. Albert M. Todd became the candidate after McDougal declined. Further, fusion deceived voters because a Prohibitionist like Todd could hypocritically run as a Democrat opposed to liquor bans.

¹⁸³ Two Republican representatives, Hawley and Kirk, died during session. White, "Coalition Legislature of 1891."

¹⁸⁴ *Michigan Manual* count in directory and legislative biographies.

¹⁸⁵ "Farmers' New Party," *Newaygo Republican*, June 1, 1893.

¹⁸⁶ "Editorial Anniversary," *The Grand Rapids Press*, January 12, 1894, 1.

¹⁸⁷ *Owosso Times*, May 10, 1895, 4. Republican newspapers active in 1895 included: the State Republican, the Ionia Sentinel, the Detroit Tribune, the Newaygo Republican, the Bay City Tribune, the Cadillac New and Express, the Port Huron Times, and the St. Clair Republican.

¹⁸⁸ "The Michigan Editors," *The Semi-Weekly Palladium* (Benton Harbor), July 9, 1895, 1.

¹⁸⁹ Shaw quoted in "Passed Too Late to Effect Candidate Todd," *The Times Herald*, March 26, 1895, 1.

¹⁹⁰ Shaw quoted in "It Will Prevent Fraud. Senator Shaw Defends His Antifusion Law." *Cassopolis Vigilant*, March 28, 1895, 4.

Similarly, Republican Attorney General Fred Maynard judged this practice as one of the greatest outrages “committed against the purity of elections,” breathlessly demonstrating the confusion that occurs,

[when] a man who represents a party who believes in certain principles, can go to a man who has been nominated by another party who believes that the principles of the first party are all wrong from the ticket and get his own name inserted in place thereof, so that his name shall appear twice on the ballot, once as a candidate of a party believing in certain political principles, and in the second column standing as the candidate of the party opposing those political principles.¹⁹¹

Maynard characterized “the whole purpose” of a candidate’s name appearing on the ballot more than once as a form of parasitism and bad faith that catches “the votes of thousands of men who would not otherwise vote for him, believing when they do so that he stands as the representative of their party.”¹⁹² Rather than an achievement of labor-intensive party organizing, which fusion can be at its best, Maynard reduced a candidate’s being named multiple times to an “unfair advantage over his opponent”—as if the dominant parties in a two-party system could not be accused of the same thing.¹⁹³

Democratic-People’s-Silver Union Party

Following the fusion ban, parties found innovative ways to continue the practice of cross-party coalition-making that played on the popularity and widespread familiarity of fusion in the state. Most notably, they formed conglomerate parties and adopted new hyphenated party names that signaled a coalitional practice for cooperative nominations of a single candidate or slate of candidates.

In the final days of Michigan state legislators’ debate over the antifusion law, national Democratic party leaders including Michigan’s George F. Richardson, former U. S. Representative, and Justin R. Whiting, former U. S. Senator, issued a silver manifesto calling for the remonetization of silver.¹⁹⁴ The money issue was bipartisan as well as bimetallic. Members of Michigan’s newly formed Free Silver Bi-Metallic League elected James M. Turner, the Republican candidate for governor in 1890, president.¹⁹⁵ Michigan Populists joined Republicans and Democrats at a one-hundred-person conference in the early days of 1896 and decided to form a new party if neither major party endorsed free silver in its platform.¹⁹⁶

Silver Democrats took over their party the same day that William Jennings Bryan gave his famous “cross of gold” speech at the Democratic National Convention during the summer of 1896. Michigan played a crucial role in the national party’s embrace of Bryan and his promise of

¹⁹¹ Fred A. Maynard, Respondent’s Brief, Maynard Report, 163.

¹⁹² Fred A. Maynard, Respondent’s Brief, Maynard Report, 161.

¹⁹³ Fred A. Maynard, Respondent’s Brief, Maynard Report, 160.

¹⁹⁴ Lovchuk, “Michigan Gold Democrats,” 30.

¹⁹⁵ Lovchuk, “Michigan Gold Democrats,” 31.

¹⁹⁶ Lovchuk, “Michigan Gold Democrats,” 32.

silver salvation. Earlier that spring, a state committee including the Democratic candidates for Michigan governor in 1886, 1888, and 1894 formed to elect silver Democrats as delegates to the national convention.¹⁹⁷ U. S. President Grover Cleveland (D) directed a Michigan operative to swing the state to the gold cause. The operative manipulated a Michigan Democratic Party convention to win proxy votes from pledged silverites and thus elect a majority gold delegation to the Democratic Nation Convention.¹⁹⁸ After a series of maneuvers to reseat silver delegates from Michigan as well as Nebraska, the Democratic Party endorsed Bryan and adopted a silver platform plank in June.¹⁹⁹ Michigan's delegation was the most pro-Bryan of any state's.

Gold Democrats adopted a new name, the "National Democratic Party."²⁰⁰ A week later, Michigan's Silver Democrats decided they needed a new name and new allies. The "Union Silver" party included many silver Republicans and some silver Prohibitionists. The sole surviving founder of the Republican Party, Albert Williams of Ionia, was the honorary chairman of Michigan's "Union Silver" convention held in August.²⁰¹ Former U. S. Representative George F. Richardson, who was elected on the Greenback ticket in 1884 and on the Democratic and Patrons of Industry tickets in 1890, was elected secretary of the "Union Silver" party in July.²⁰²

Conclusion

We have shown that Michigan's political parties engaged in fusion nominations to pass pro-democracy reforms typically with the Democratic party and other third political parties. We provide documentary evidence that each party received its own ballot prior to Australian reform and its own ballot line after that reform. We have also shown that, in Michigan, relative to other states where electoral fusion was practiced, political parties and voters made exceptionally consistent use of fusion nominations in the 1891-1892 legislative session. Alliances between labor parties and Democrats secured the passage of ground-breaking democratic reforms, including the secret ballot and district-level selection of presidential electors. We have shown that Michigan's 1893 failed attempt to ban fusion involved an exceptionally blatant act of ballot manipulation, where Republicans un-seated Democratic legislators to secure sufficient votes to effect the ban. We have also shown that both attempts to ban fusion were motivated by partisan animus against challenger parties and comprised a broader rollback of democratic electoral and other reforms.

Fusion was so familiar and so firmly woven into Michigan political culture that political parties continued to forge the cross-party alliances that had been so consequential throughout the century and advertise them in their names—despite that the antifusion law allowed them no consequential presence on the ballot. Having lost the crucial electoral foothold of an independent ballot line, those attempts soon died out.

We verify that this report was jointly prepared by us.

¹⁹⁷ George L. Yaple in 1886. Wellington R. Burt in 1888. Spencer O. Fisher in 1894. Lovchuk, "Michigan Gold Democrats," 35.

¹⁹⁸ Operative Don M. Dickinson. Lovchuk, "Michigan Gold Democrats," 34-49.

¹⁹⁹ Lovchuk, "Michigan Gold Democrats," 62.

²⁰⁰ Lovchuk, "Michigan Gold Democrats," 76.

²⁰¹ "Charles R. Sligh. Nominated for Governor by Three Parties." *Yale Expositor*, September 4, 1896, 2.

²⁰² "Organized a New Silver Party," *Washington Post*, July 17, 1896, 3.

Signature

Date 18 May 2026

Wm J Diach

Kelly Goodman

Signature

Date

Appendix H. History of Fusion Voting in Michigan Fig. 1 Senate, 1890-1896

First Name	Last Name	Party in Directory	1891-1892	SB 64 Australian Ballot	1893-1894	Unseat Jordan / Seat Wilkins	SB 20 Fusion Ban	Repeal Miner Electoral Law	1895-1896	SB 63 Fusion Ban
John	Beers	Democratic	Y	Y						
Charles	Boughner	Democratic	Y	Y						
Martin	Crocker	Democratic	Y	Y						
Peter	Doran	Democratic	Y	Y	Y	N	N	N	N	
Charles	Fridlender	Democratic	Y	Y						
Peter	Gilbert	Democratic	Y	Y	Y	N		N	N	
James	Holcomb	Democratic	Y							
Augustin	McCormick	Democratic	Y	Y						
William	Miller	Democratic	Y	Y						
James	Morrow	Democratic	Y	Y	Y	N		N	N	
Enoch	Mugford	Democratic	Y	Y	Y	N	N		N	
Peter	Park	Democratic	Y	Y						
George	Porter	Democratic	Y	Y						
George	Sharp	Democratic	Y	Y						
Frank	Smith	Democratic	Y	Y						
Chauncey	Wisner	Democratic	Y	Y						
John	Bastone	Patron of Industry	Y	Y						
John	Benson	Patron of Industry	Y							
Aaron	Brown	Patron of Industry	Y							
Marcus	Wilcox	Patron/Dem	Y	Y						
Joseph	Flesheim	Republican	Y		Y	Y	Y	Y	N	
Jan	Garvelink	Republican	Y	Y	Y	Y	Y	Y	N	
Alfred	Milnes	Republican	Y	Y						
Frank	Prindle	Republican	Y	Y						
Marden	Sabin	Republican	Y	Y	Y	Y	Y	Y	N	
John	Stevens	Republican	Y	Y						
Robert	Taylor	Republican	Y							
William	Toan	Republican	Y							

First Name	Last Name	Party in Directory	1891-1892	SB 64 Australian Ballot	1893-1894	Unseat Jordan / Seat Wilkins	SB 20 Fusion Ban	Repeal Miner Electoral Law	1895-1896	SB 63 Fusion Ban
Joseph	Weiss	Republican	Y	Y	Y	Y	Y	Y	N	
A. Oren	Wheeler	Republican	Y	Y	N				Y	
Robert	Wilkinson	Republican	Y							
William	Withington	Republican	Y							
Milton F.	Jordan	Democratic			Unseated			N		
Wellington	Burt	Democratic			Y	N	N	N	N	
Myron	Clark	Democratic			Y	N	N	N	N	
Lewis	Hough	Democratic			Y	N	N	N	N	
Harvey	Mellen	Democratic			Y	N	N		N	
James	Turnbull	Democratic			Y	N		N	N	
Schuyler	Champion	Populist			Y	N	N	N	N	
Edmund	Barnard	Republican			Y	Y	Y	Y	Y	Y
Charles LeRoy	Brundage	Republican			Y	Y	Y	Y	Y	Y
Frank	Clapp	Republican			Y	N	Y	Y	Y	
Jesse	Crane	Republican			Y	Y	Y	Y	N	
J. Milton	Earle	Republican			Y	Y	Y	Y	Y	Y
Edwin	Fox	Republican			Y	Y	Y	Y	N	
Robert	French	Republican			Y	Y		Y	Y	Y
Charles	Gibson	Republican			Y	Y		Y	N	
Samuel	Hopkins	Republican			Y	N	Y	Y	N	
Augustus	Jewell	Republican			Y	Y	Y	Y	Y	
Charles	McGinley	Republican			Y	Y		Y	N	
Joseph	McLaughlin	Republican			Y	Y		Y	Y	Y
William	Mears	Republican			Y		Y	Y	N	
Peter	Pascoe	Republican			Y	Y	Y	Y	Y	Y
Charles S.	Pierce	Republican			Y	Y	Y	Y	N	
Willis	Sawyer	Republican			Y		Y		N	
George	Steel	Republican			Y	Y	Y	Y	N	
Samuel	Wilkins	Republican			Y				N	

First Name	Last Name	Party in Directory	1891-1892	SB 64 Australian Ballot	1893-1894	Unseat Jordan / Seat Wilkins	SB 20 Fusion Ban	Repeal Miner Electoral Law	1895-1896	SB 63 Fusion Ban
Ezra	Barnum	Republican			N				Y	Y
Mendel	Bialy	Republican			N				Y	Y
Franklin	Briggs	Republican			N				Y	Y
Clyde	Chittenden	Republican			N				Y	Y
Edwin	Eaton	Republican			N				Y	Y
Joseph	Gaige	Republican			N				Y	Y
Julius	Jamison	Republican			N				Y	Y
Oscar	Janes	Republican			N				Y	Y
Ransom	Johnson	Republican			N				Y	Y
Miner	Keeler	Republican			N				Y	N
William	Kilpatrick	Republican			N				Y	Y
Chester	Martin	Republican			N				Y	Y
Richard	Mason	Republican			N				Y	Y
George	Merriman	Republican			N				Y	Y
George	Prescott	Republican			N				Y	Y
John	Preston	Republican			N				Y	Y
Edwin	Shaw	Republican			N				Y	Y
Carlos	Shelden	Republican			N				Y	Y
Herbert	Smalley	Republican			N				Y	Y
William	Thompson	Republican			N				Y	Y
Emory	Townsend	Republican			N				Y	Y
Fred M.	Warner	Republican			N				Y	
John	Watts	Republican			N				Y	

SB 64 Australian Ballot in *Journal of the Senate of the State of Michigan 1891* , vol. II, 1517-1518.

Unseat Jordan / Seat Wilkins in *Journal of the Senate of the State of Michigan 1893* , vol. I, 300.

SB 20 Fusion Ban in *Journal of the Senate of the State of Michigan 1893* , vol. I, 660.

Repeal Miner Electoral Law in *Journal of the Senate of the State of Michigan 1893* , vol. I, 141.

SB 63 Fusion Ban in *Journal of the Senate of the State of Michigan 1895* , vol. I, 374.

Appendix H. History of Fusion Voting in Michigan Fig. 2 House, 1890-1896

First Name	Last Name	Party in Directory	1891-1892	HB 64 Australian Ballot	1893-1894	Unseat Griffin / Seat Schellberg	HB 718 Fusion Ban	Repeal Miner Electoral Law	1895-1896	HB 210 Fusion Ban
Lewis	Baker	Democratic	Y	Y						
Levi	Baldwin	Democratic	Y	Y						
Thomas	Barkworth	Democratic	Y	Y	Y	N	N	N	N	
Fred	Bathey	Democratic	Y	Y	Y	N	N	N	N	
William	Blake	Democratic	Y	Y						
Philip	Botsford	Democratic	Y	Y						
Casper	Bowen	Democratic	Y	Y						
Frederick	Bullock	Democratic	Y	Y						
Lucius	Canfield	Democratic	Y	Y						
William	Carpenter	Democratic	Y	Y						
Rowland	Connor	Democratic	Y	Y						
Moses	Denning	Democratic	Y	Y						
Charles	Dodge	Democratic	Y	Y	Y	N	N	N	N	
Frank	Doremus	Democratic	Y	Y						
Alonzo	Downing	Democratic	Y	Y						
Michael	Doyle	Democratic	Y	Y						
Marvin	Ferguson	Democratic	Y	Y	Y	N	N	N	N	
Augustus	Ferguson	Democratic	Y	Y						
Francis	Fildew	Democratic	Y	Y						
Charles	Fitch	Democratic	Y	Y						
Joseph	Gibbons	Democratic	Y	Y						
James	Graham	Democratic	Y	Y						
John	Gregory	Democratic	Y	Y						
William	Harley	Democratic	Y	Y						
William	Harper	Democratic	Y	Y						
John	Hayward	Democratic	Y	Y						
William	Henze	Democratic	Y	Y						
John	Herz	Democratic	Y	Y						

First Name	Last Name	Party in Directory	1891-1892	HB 64 Australian Ballot	1893-1894	Unseat Griffin / Seat Schellberg	HB 718 Fusion Ban	Repeal Miner Electoral Law	1895-1896	HB 210 Fusion Ban
William	Holton	Democratic	Y	Y						
George	Houghton	Democratic	Y	Y						
Samuel	Jackson	Democratic	Y	Y						
William	Jackson	Democratic	Y	Y						
Hiram	Johnson	Democratic	Y	Y						
Luke	Johnson	Democratic	Y	Y						
Birdsey	Knight	Democratic	Y	Y	Y	N			N	
Reynolds	Landon	Democratic	Y	Y						
George	Lester	Democratic	Y	Y						
William	Lewis	Democratic	Y	Y						
James	Lowden	Democratic	Y	Y						
Adolph	Marion	Democratic	Y	Y						
William	Marsh	Democratic	Y	Y						
James	McCloy	Democratic	Y	Y						
Daniel	McGovern	Democratic	Y	Y						
Harvey	Mellen	Democratic	Y	Y						
John	Miner	Democratic	Y	Y						
Louis	Munthe	Democratic	Y	Y						
Lawrence	Nolan	Democratic	Y	Y						
George	Orth	Democratic	Y	Y						
George	Osborn	Democratic	Y	Y						
Hiram	Robinson	Democratic	Y	Y						
Hewlett	Rockwell	Democratic	Y	Y						
Frank	Thatcher	Democratic	Y	Y						
Arthur	Tripp	Democratic	Y	Y	Y	N		N	N	
Philip	Wachtel	Democratic	Y	Y	Y		N	N	N	
Arthur	White	Democratic	Y	Y	Y	N	N		N	
Travis	Leach	Industrial	Y	Y						
Samuel	Miller	Industrial	Y	Y						

First Name	Last Name	Party in Directory	1891-1892	HB 64 Australian Ballot	1893-1894	Unseat Griffin / Seat Schellberg	HB 718 Fusion Ban	Repeal Miner Electoral Law	1895-1896	HB 210 Fusion Ban
John	Rowden	Industrial	Y	Y						
Hugh	Chisholm	Patron of Industry	Y	Y						
John	Curtiss	Patron/Dem	Y	Y	Y	N	N		N	
George F.	Richardson	Patron of Industry	Y	Y	N					
Marvin	Seeley	Patron of Industry	Y	Y						
Sylvanus	Alexander	Republican	Y	Y				Y		
Edmund	Barnard	Republican	Y	Y						
Darius	Buell	Republican	Y	Y	Y	Y		Y	N	
Frank	Clapp	Republican	Y	Y						
August C.	Cook	Republican	Y	Y	N				Y	N
Gerrit	Diekema	Republican	Y	Y						
Charles	Eaton	Republican	Y	Y						
Norton	Fitch	Republican	Y	Y	Y	Y		Y	N	
DeVere	Hall	Republican	Y	Y						
Willard	Harwood	Republican	Y	Y	Y	Y	N	Y	N	
Dennison	Holden	Republican	Y	Y						
James	Kirk	Republican	Y	Y						
John	Lusk	Republican	Y	Y						
Alonzo	Northup	Republican	Y	Y						
John	Perkins	Republican	Y	Y						
Selah	Raymond	Republican	Y	Y	Y	Y	Y	Y	N	
Frank	Ryland	Republican	Y	Y						
John	Shull	Republican	Y	Y						
Walker	Smith	Republican	Y	Y	Y	Y		Y	N	
Avery	Smith	Republican	Y	Y						
F[rederick]	Smith	Republican	Y	Y						
Edward	Spencer	Republican	Y	Y						
Alden	Swift	Republican	Y	Y						
Jacob	Tinklepaugh	Republican	Y	Y						

First Name	Last Name	Party in Directory	1891-1892	HB 64 Australian Ballot	1893-1894	Unseat Griffin / Seat Schellberg	HB 718 Fusion Ban	Repeal Miner Electoral Law	1895-1896	HB 210 Fusion Ban
Milan	Wiggins	Republican	Y	Y						
John	Kolvoord	Democratic	Y							
George	Lambert	Democratic	Y							
W[illiam]	Wendell	Democratic	Y							
Lucius	Church	Republican	Y		Y	Y	N	Y	N	
David	Collins	Republican	Y							
Lemuel	Dafoe	Republican	Y							
Royal	Eaton	Republican	Y		Y			Y	N	
William	Harry	Republican	Y							
Willard	Hawley	Republican	Y							
Eugene	SaintClair	Republican	Y							
Edward	Stone	Republican	Y							
George	Wagner	Republican	Y							
John	Watts	Republican	Y							
Charles	Bailey	Democratic			Y				N	
William	Baum	Democratic			Y	N	N	N	N	
Adam	Bennett	Democratic			Y	N	N	N	N	
Charles	Brenner	Democratic			Y			N	N	
Fred	Buzzell	Democratic			Y	N	N	N	N	
William	Crippen	Democratic			Y	N		N	N	
James	Dempsey	Democratic			Y			N	N	
John	Gilday	Democratic			Y	N	N	N	N	
Horace	Holdridge	Democratic			Y	N	N	N	N	
John	Holmes	Democratic			Y	N	N	N	N	
John	Kirkwood	Democratic			Y	N			N	
Charles	Kline	Democratic			Y	N	N	N	N	
William	McKinstry	Democratic			Y	N	N		N	
Frank	Mills	Democratic			Y	N	N	N	N	
Christopher	Mohr	Democratic			Y	N	N	N	N	

First Name	Last Name	Party in Directory	1891-1892	HB 64 Australian Ballot	1893-1894	Unseat Griffin / Seat Schellberg	HB 718 Fusion Ban	Repeal Miner Electoral Law	1895-1896	HB 210 Fusion Ban
Sanford	Perkins	Democratic			Y			N	N	
John	Sparling	Democratic			Y		N	N	N	
Frank	Sullivan	Democratic			Y		N		N	
James	Thompson	Democratic			Y	N	N	N	N	
Chauncey	Wisner	Democratic			Y			N	N	
Charles	Kellogg	Populist			Y	N		N	N	
Sylvester	Strong	Populist			Y	N		N	N	
Jeremiah	Anderson	Republican			Y	Y	Y	Y	N	
Richard	Bagot	Republican			Y	Y		Y	N	
Charles P.	Benoit, Jr.	Republican			Y	Y	Y	Y	Y	
Roswell	Bishop	Republican			Y	Y		Y	N	
Abram	Blakley	Republican			Y	N		Y	N	
Abram	Butler	Republican			Y	Y		Y	N	
Job T.	Campbell	Republican			Y	Y	Y	Y	Y	N
H. Frank	Campbell	Republican			Y	Y		Y	N	
John	Cartwright	Republican			Y	Y	Y	Y	N	
Fremont C.	Chamberlain	Republican			Y	Y		Y	Y	Y
George G.	Covell	Republican			Y	Y	Y	Y	Y	Y
George M.	Curtis	Republican			Y	Y	Y	Y	Y	Y
Harlow	Davock	Republican			Y		Y	Y	N	
Alvin	Ewing	Republican			Y	Y	Y	Y	N	
William W.	Ferguson	Republican			Y	Y	Y	Y	Y	Y
Oramel B.	Fuller	Republican			Y	Y	Y	Y	Y	Y
Anthony	Gluecklich	Republican			Y	Y	Y	Y	N	
William D.	Gordon	Republican			Y	Y	Y	Y	Y	Y
George	Green	Republican			Y	Y	Y	Y	N	
Charles	Hammond	Republican			Y	Y		Y	N	
Patrick	Hart	Republican			Y		N	Y	N	
William	Hartson	Republican			Y	Y		Y	N	

First Name	Last Name	Party in Directory	1891-1892	HB 64 Australian Ballot	1893-1894	Unseat Griffin / Seat Schellberg	HB 718 Fusion Ban	Repeal Miner Electoral Law	1895-1896	HB 210 Fusion Ban
John F.	Henry	Republican			Y	Y	Y	Y	Y	N
John	Hicks	Republican			Y	Y	Y	Y	N	
Eugene	Hicks	Republican			Y	Y	Y	Y	Y	Y
George E.	Hilton	Republican			Y	Y	Y		Y	Y
Charles K.	Hoyt	Republican			Y	Y	Y	Y	Y	
David	Huggett	Republican			Y	Y	Y		Y	N
John	Jones	Republican			Y	Y	Y	Y	Y	
Edward L.	Kingsland	Republican			Y	Y	Y		Y	N
Samuel R.	Kingsley	Republican			Y	Y	N	Y	Y	Y
Charles	Leavitt	Republican			Y				N	
Albert T.	Linderman	Republican			Y	Y	Y	Y	Y	N
Frank	Lyon	Republican			Y	Y	Y	Y	N	
John	McKinlay	Republican			Y		Y	Y	N	
Philip D.	Miller	Republican			Y	Y	Y		Y	Y
John	Moll	Republican			Y	Y	Y		N	
Silas	Moody	Republican			Y	Y	Y	Y	N	
Charles	Moore	Republican			Y	Y	Y	Y	N	
Joseph D.	Morse	Republican			Y	Y	Y	Y	Y	N
Julian	Mudge	Republican			Y	Y	Y	Y	N	
Henry	Newkirk	Republican			Y	Y	Y	Y	N	
John W.	Norman	Republican			Y	Y	Y	Y	Y	
John	Norrington	Republican			Y	Y	Y	Y	N	
William D.	Place	Republican			Y	Y	Y	Y	Y	Y
Francis W.	Redfern	Republican			Y		Y	Y	Y	N
Christopher	Roberts	Republican			Y		Y	Y	N	
John J.	Rogner	Republican			Y		Y	Y	Y	
Allan S.	Rose	Republican			Y	Y	Y	Y	Y	N
Bernhard	Schellberg	Republican			Y		Y	Y	N	
Carlos	Shelden	Republican			Y	Y	Y	Y	N	

First Name	Last Name	Party in Directory	1891-1892	HB 64 Australian Ballot	1893-1894	Unseat Griffin / Seat Schellberg	HB 718 Fusion Ban	Repeal Miner Electoral Law	1895-1896	HB 210 Fusion Ban
Roger	Sherman	Republican			Y	Y	Y	Y	N	
Herbert	Smalley	Republican			Y	Y	Y	Y	N	
John	Sumner	Republican			Y	Y	Y	Y	N	
William A.	Tateum	Republican			Y	Y	N		N	
Edgar S.	Wagar	Republican			Y	Y		Y	Y	N
George	Wagner	Republican			Y	Y	Y	Y	N	
George	Watson	Republican			Y	Y	Y	Y	N	
Augustus W.	Weekes	Republican			Y	Y	Y	Y	Y	N
Edwin A.	Wildey	Republican			Y	Y	N	Y	Y	
Ari E.	Woodruff	Republican			Y				Y	N
John	Zimmerman	Republican			Y	Y	Y	Y	N	
John	Donovan	Democratic			N				Y	N
Giles B.	Allen	Republican			N				Y	
Edmund S.	Amidon	Republican			N				Y	N
Henry H.	Aplin	Republican			N				Y	
John	Baird	Republican			N				Y	Y
Lyman E.	Belknap	Republican			N				Y	Y
Samuel K.	Bradbury	Republican			N				Y	Y
Robert	Brown	Republican			N				Y	Y
Thomas M.	Camburn	Republican			N				Y	Y
Frank	Campbell	Republican			N				Y	
John J.	Cathro	Republican			N				Y	
Arthur H.	Chilver	Republican			N				Y	Y
Jasper N.	Clark	Republican			N				Y	
James	Cousins	Republican			N				Y	Y
Miles S.	Curtis	Republican			N				Y	N
George B.	Davis	Republican			N				Y	
William R.	Edgar	Republican			N				Y	Y
Charles H.	Fisk	Republican			N				Y	Y

First Name	Last Name	Party in Directory	1891-1892	HB 64 Australian Ballot	1893-1894	Unseat Griffin / Seat Schellberg	HB 718 Fusion Ban	Repeal Miner Electoral Law	1895-1896	HB 210 Fusion Ban
John W.	Fitzgerald	Republican			N				Y	Y
James K.	Flood	Republican			N				Y	Y
Charles E.	Foote	Republican			N				Y	Y
Seymour	Foster	Republican			N				Y	Y
Robert D.	Graham	Republican			N				Y	Y
William	Harris	Republican			N				Y	
Donald	Henderson	Republican			N				Y	
E. S. Peter	Herrig	Republican			N				Y	
Charles	Holden	Republican			N				Y	
Arthur L.	Holmes	Republican			N				Y	
William J.	Kelly	Republican			N				Y	Y
William D.	Kelly	Republican			N				Y	Y
Reuben	Kempf	Republican			N				Y	
Henry	Kent	Republican			N				Y	N
Austin N.	Kimmis, Jr.	Republican			N				Y	Y
W. Irving	Latimer	Republican			N				Y	Y
Henry	Lee	Republican			N				Y	Y
Philo M.	Lonsbury	Republican			N				Y	Y
Joshua B.	Madill	Republican			N				Y	Y
Lester M.	Marsh	Republican			N				Y	N
Isaac	Marsilje	Republican			N				Y	
John A.	Matthews	Republican			N				Y	Y
Frank	McNall	Republican			N				Y	Y
Miller G.	Moore	Republican			N				Y	N
John	Mulvey	Republican			N				Y	Y
Lauren F.	Otis	Republican			N				Y	
Thomas H.	Parkinson	Republican			N				Y	Y
George W.	Partridge	Republican			N				Y	Y
Richard	Pearson	Republican			N				Y	N

First Name	Last Name	Party in Directory	1891-1892	HB 64 Australian Ballot	1893-1894	Unseat Griffin / Seat Schellberg	HB 718 Fusion Ban	Repeal Miner Electoral Law	1895-1896	HB 210 Fusion Ban
George W.	Peer	Republican			N				Y	Y
Charles W.	Perry	Republican			N				Y	Y
William E.	Rice	Republican			N				Y	
Irving B.	Rich	Republican			N				Y	
George W.	Richardson	Republican			N				Y	Y
John M.	Robertson	Republican			N				Y	Y
Orrin W.	Robinson	Republican			N				Y	Y
William A.	Rowley	Republican			N				Y	Y
Arthur W.	Saxton	Republican			N				Y	Y
Eleazar	Sherwood	Republican			N				Y	Y
James F.	Smiley	Republican			N				Y	Y
Charles	Smith	Republican			N				Y	Y
Otto	Stoll	Republican			N				Y	Y
Edward B.	Taylor	Republican			N				Y	Y
Peter	Voorheis	Republican			N				Y	
Bryon S.	Waite	Republican			N				Y	
George H.	Waldo	Republican			N				Y	Y
Joseph B.	Ware	Republican			N				Y	Y
Frank	Westcott	Republican			N				Y	N
Joseph H.	Whitney	Republican			N				Y	Y
Edwin S.	Williams	Republican			N				Y	
Theodore M.	Wolter	Republican			N				Y	
Lucian E.	Wood	Republican			N				Y	
Jabez B.	Wortley	Republican			N				Y	

SB 64 Australian Ballot in *Journal of the House of Representatives of the State of Michigan 1891*, vol. III, 2184-2189.

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DRUTMAN REPORT

EXPERT REPORT: PARTISAN POLARIZATION, TWO-PARTY SYSTEMS, AND FUSION VOTING

LEE DRUTMAN, PH.D.

INTRODUCTION

This case presents a constitutional challenge to Michigan’s prohibition on fusion voting. Fusion voting permits candidates to accept nominations from more than one political party and appear on the general election ballot under each party’s label. Voters supporting that candidate may choose which party line to vote under, with all votes across party lines counted together in the candidate’s total. Two states—Connecticut and New York—maintain fusion systems today.

When the Supreme Court upheld Minnesota’s fusion ban in *Timmons v. Twin Cities Area New Party*, 520 U.S. 351 (1997), the majority relied heavily on an empirical claim: that two-party systems promote “political stability” and states may therefore restrict fusion to preserve that stability. This rationale reflected conventional wisdom among American politics scholars in the mid-1990s—a period when the discipline viewed the U.S. party system as fundamentally sound, if occasionally prone to partisan excess that would self-correct through electoral competition.

Nearly three decades later, that scholarly consensus has collapsed. My investigation examines three core questions: (1) Does the American two-party system continue to generate the stability that *Timmons* presumed? (2) What does comparative evidence reveal about the relationship between party systems and democratic stability? (3) Would fusion voting exacerbate partisan conflict or provide a mechanism for reducing it?

My conclusions can be stated directly. The two-party system no longer functions as a stabilizing force in American democracy. By every standard measure of polarization—roll-call voting patterns, geographic sorting, affective partisan hostility—the current system has produced unprecedented levels of dysfunction. Far from moderating conflict, the pure binary competition between two internally homogeneous parties has created what I have termed a “doom loop” of escalating partisan warfare, in which each round of hardball politics justifies the next, with no obvious resolution.

The comparative evidence is equally clear: democracies with more than two parties consistently outperform two-party systems on measures of stability, voter satisfaction, minority representation, and policy responsiveness. The United States is a global outlier, not a model.

Finally, both historical evidence from fusion’s widespread use in the late nineteenth century and contemporary experience in Connecticut and New York demonstrate that fusion voting serves as a coalition-building mechanism that moderates rather than intensifies partisan conflict. By

allowing voters to signal preferences beyond the binary choice and creating incentives for major-party candidates to build broader coalitions, fusion voting offers precisely the kind of cross-cutting dynamic that our current system desperately lacks.

The transformation of American politics since 1997 fundamentally undermines the empirical foundations of *Timmons*. Whatever stability arguments might have been plausible when that case was decided, they cannot withstand scrutiny in 2025.

QUALIFICATIONS

I am a Senior Fellow in the Political Reform program at New America, where I have conducted research and analysis on American political institutions, democratic reform, and electoral systems since October 2014.

I earned my Ph.D. in Political Science from the University of California, Berkeley in 2010, and my M.A. in Political Science from the same institution in 2005. My undergraduate degree is a B.A. in English and American Literature from Brown University, which I received in 1999.

My expertise centers on American political parties, partisan polarization, electoral systems, and democratic reform. I am the author of *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America* (Oxford University Press, 2020), which examines the structural causes of hyper-partisan polarization and makes the case for multiparty democracy as a solution. I am also the author of *The Business of America is Lobbying: How Corporations Became Politicized and Politics Became More Corporate* (Oxford University Press, 2015), which won the 2016 Robert A. Dahl Award from the American Political Science Association for outstanding scholarship on democracy.

I have published extensively in peer-reviewed academic journals including *Political Research Quarterly*, *The ANNALS of the American Academy of Political and Social Science*, *Legislative Studies Quarterly*, and *Interest Groups & Advocacy*. I have also contributed a law review article on multiracial democracy to the *New York University Law Review* (2021) and written numerous chapters in edited volumes on electoral reform, polarization, and democratic governance published by leading university presses.

I have served on multiple expert committees addressing democratic reform and electoral systems. I recently served as a member of the American Academy of Arts and Sciences Committee on Multimember Districts (2024) and previously chaired the AAAS Committee on the Size of the United States House of Representatives (2021). I served as a member and Chair of the Subcommittee on Proportional Representation for the Electoral Reform Task Force, a committee chaired by Larry Diamond, Ned Foley, and Rick Pildes. I also served as Subcommittee Chair for the American Political Science Association Task Force on the Modernization of Congress (2019).

I have authored or co-authored major research reports on electoral reform, including “What We Know About Fusion Voting” (with Maresa Strano, 2021), “More Parties, Better Parties” (2023), “The Case for Multiparty Presidentialism in the US” (with Scott Mainwaring, 2023), and “How

Democracies Revive” (2022). My research has been cited widely in academic and policy discussions of democratic reform.

I am a lecturer at The Johns Hopkins University, where I have taught courses on lobbying, policymaking, and governmental processes since Spring 2012.

My analysis and commentary on American politics and democratic reform appears regularly in major national publications including *The New York Times*, *The Washington Post*, *The Atlantic*, *Foreign Policy*, *Vox*, *Politico*, and *FiveThirtyEight*. I also author a newsletter on Substack titled “Undercurrent Events” with more than 6,000 subscribers.

I have been invited to present my research at leading universities and conferences, including Princeton, Harvard, Stanford, Northwestern, Yale, Cornell, UC Berkeley, UC San Diego, and the University of Notre Dame. My work on democratic reform has led *Washingtonian* magazine to recognize me as one of Washington’s Most Influential People from 2021 through 2025. In 2026, the *Washington Post* named me to its Next 50, recognizing fifty people who are reshaping our society.

My opinions in this case draw directly on my extensive research into partisan polarization, party systems, fusion voting, and comparative electoral institutions—topics I have studied intensively over many years and on which I have published widely.

THE THREATS TO AMERICAN DEMOCRACY

A substantial body of scholarly work indicates that American democracy faces serious challenges, with considerable evidence of governmental dysfunction and declining public trust. While multiple factors contribute to these challenges, extensive expert analysis identifies hyper-partisan polarization as a central driver.

The reasons why hyper-partisan polarization threatens democratic stability are straightforward. Democracy depends on a shared foundation of fairness around elections. Winning parties must win graciously and not use their newly-acquired powers to prevent their opposition from effectively challenging them in the next election. Losing parties must acknowledge that they have lost and acknowledge the legitimacy of the election. When this shared sense of fairness breaks down, violence or the threat of violence becomes the alternative. One pithy definition of democracy is that it is a system in which parties can lose elections.¹ Democracies die when one side believes that winning the next election is so important that it is willing to use extra-democratic means to achieve its goal.²

¹ Adam Przeworski, *Democracy and the Market*, (Cambridge; New York: Cambridge University Press, 1991), 1.

² Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown, 2018).

A core problem with hyper-partisan polarization is that it has a reinforcing feedback quality, what I've called "the two-party doom loop."³ As the parties move further apart, they engage in more aggressive hardball tactics and rhetoric. These aggressive tactics further push them away from each other. This occurs both at the elite level and the mass level, both of which feed back on each other. The more partisan elites demonize their opponents to win elections, the more partisan voters punish leaders who compromise with "the enemy." The less compromise, the more the trust and goodwill and cooperation necessary for governing break down. All of these processes feed on one another in an escalating spiral of tit-for-tat.

MEASURING POLARIZATION IN AMERICAN POLITICS

The most common way political scientists measure polarization is through analysis of roll-call votes. Specifically, scholars measure how far apart parties have moved through a statistical scaling technique called DW-NOMINATE.⁴

By this measure, polarization in the U.S. Congress has increased steadily since the 1980s, reaching levels in the 2020s that are unprecedented in U.S. history.⁵

This method has also been applied to state-level roll-call voting. States have also become more polarized.⁶

Polarization is widely associated with instability in politics, because it makes necessary compromise more difficult, particularly in closely-divided polities along lines of geography, race, culture or other "formative rifts."⁷

TWO-PARTY SYSTEMS AND STABILITY

³ Lee Drutman, *Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America* (New York: Oxford University Press, 2020).

⁴ <https://voteview.com/about>

⁵ Christopher Hare and Keith T. Poole, "The Polarization of Contemporary American Politics," *Polity* 46, no. 3 (2014): 411-29; Anthony Fowler, "Partisan Constituencies and Congressional Polarization," *Journal of Political Institutions and Political Economy* 5, no. 3 (2024): 335-61; Nolan McCarty, *Polarization: What Everyone Needs to Know* (Oxford University Press, 2019).

⁶ Boris Shor and Nolan McCarty, "Two Decades of Polarization in American State Legislatures," *Journal of Political Institutions and Political Economy* 3, nos. 3-4 (2022): 343-70.

⁷ Jennifer McCoy, Tahmina Rahman, and Murat Somer, "Polarization and the Global Crisis of Democracy: Common Patterns, Dynamics, and Pernicious Consequences for Democratic Polities," *American Behavioral Scientist* 62, no. 1 (2018): 16-42; Barbara F. Walter, *How Civil Wars Start: And How to Stop Them* (Crown Publishing Group, 2022).

The United States is a two-party system. It has not been very stable in recent years.

However, in earlier eras, the United States was a relatively stable two-party system.

What made the U.S. more stable in earlier periods was not the two-party system per se, but rather the extent to which it contained overlapping, cross-cutting coalitions.

From the mid-1950s through the mid-1990s, the national two-party system operated more like a hidden four-party system, with liberal Democrats and liberal Republicans concentrated in the culturally liberal Northeast and Upper Midwest, the West Coast, and major cities, alongside conservative Democrats and conservative Republicans based in rural, traditional regions and the South.⁸ Each faction represented distinct voting coalitions. None commanded a majority on its own. Bipartisan relationship-building emerged from the practical necessity of assembling cross-party coalitions on an issue-by-issue basis.⁹

The crucial insight here is that when the “two-party system” worked, it functioned as a multiparty system disguised within a two-party framework. When it became a genuine two-party system, this stabilizing dynamic collapsed.

This transformation fundamentally reshaped American partisan competition. Since the 1990s, America has experienced a genuinely binary two-party system in which the two parties represent distinct, non-overlapping coalitions offering starkly different alternatives to voters.¹⁰ This represents the purest expression of two-party competition—and the most dysfunctional.

PURE TWO-PARTY SYSTEMS GENERATE INSTABILITY

Over the last two decades, American politics has fallen into a self-reinforcing dynamic of escalating partisan warfare. Binary zero-sum politics triggers ancient mental circuits of us-versus-them thinking. A fully divided two-party system without overlap fundamentally alters how

⁸ Lee Drutman, *Breaking the Two-Party Doom Loop*.

⁹ On how bipartisan coalitions emerged from the internal diversity of both parties and decentralized committee-driven legislative processes during this period, see Lee Drutman, *Breaking the Two-Party Doom Loop*, 85-87; see also American Political Science Association, Committee on Political Parties, *Toward a More Responsible Two-Party System: A Report* (New York: Rinehart, 1950).

¹⁰ On the transformation to distinct, non-overlapping party coalitions, see Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America: The Dance of Ideology and Unequal Riches* (Cambridge, MA: MIT Press, 2006); Matthew Levendusky, *The Partisan Sort: How Liberals Became Democrats and Conservatives Became Republicans* (Chicago: University of Chicago Press, 2009).

citizens perceive one another—transforming political opponents who merit respectful disagreement into enemies requiring delegitimization and destruction.¹¹

This polarization proves especially dangerous when the partisan balance of power remains narrow. The close national balance combined with repeated pendulum swings of partisan control creates perverse incentives for party leaders: During divided government, do not compromise; Hold out for unified control. During unified government, accomplish as much as possible by whatever means necessary, knowing that control could be temporary.¹²

Three features of the current political environment, filtered through the system of single-winner two-party elections, have undermined the ability of our political system to self-correct:

GEOGRAPHIC SORTING

The geographic sorting of American political parties represents a fundamental transformation from the overlapping coalitions of the mid-twentieth century. In 1960, Democrats and Republicans competed in most places because both parties contained liberal and conservative factions. The civil rights revolution of the 1960s set this realignment in motion, and by the 1990s, as “culture war” politics became central to national political debate, ideological liberals and conservatives sorted themselves into political parties.¹³

NATIONALIZATION

The nationalization of American politics represents the second major transformation. Starting in the 1960s, the growth of federal social and economic regulation made control of Washington far more consequential. By the 2010s, even state and local candidates emphasized national issues, and voting at all levels tracked sentiment toward the party in the White House.¹⁴

CULTURE WAR DOMINANCE

¹¹ Lilliana Mason, *Uncivil Agreement: How Politics Became Our Identity* (Chicago: University of Chicago Press, 2018); Marilyn B. Brewer, “The Social Self: On Being the Same and Different at the Same Time,” *Personality and Social Psychology Bulletin* 17, no. 5 (1991): 475-82.

¹² Lee Drutman, *Breaking the Two-Party Doom Loop*, 103; Frances E. Lee, *Insecure Majorities: Congress and the Perpetual Campaign* (Chicago: University of Chicago Press, 2016).

¹³ Lee Drutman, *Breaking the Two-Party Doom Loop*, 120-145; Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America* (MIT Press, 2006).

¹⁴ Drutman, *Breaking the Two-Party Doom Loop*, 146-162; Frances E. Lee, *Insecure Majorities* (2016).

The shift from economic to cultural conflict transformed American partisan competition from bargaining over “how much” questions (tax rates, spending levels) to zero-sum battles over “who are we” questions of national identity.¹⁵

TESTING THE ASSUMPTIONS OF TIMMONS

In the *Timmons* case, the majority held that states could ban fusion voting to protect the “political stability” provided by the two-party system.¹⁶

In 1997, when the justices heard the case, the assumption that a two-party system offers stability was consistent with the then-prevailing perspective among political scientists who studied American politics.

However, the scholarship on American political systems has evolved considerably since that time, and the political reality has changed even more dramatically. Many scholars who study American politics have historically had limited engagement with comparative political systems, potentially limiting cross-national perspectives that might have provided important context.

The dominant view in American political science during the 2000s regarded the American political system as reasonably functional. The median voter theory, sometimes called the “master theory”¹⁷ of the discipline, remained influential, and while polarization was recognized as a trend, many anticipated it would naturally self-correct. They were wrong.

Starting in the 2010s, scholars began to express more serious concerns about partisan polarization in American politics. But it was not until the 2020s that American political scientists began to question the two-party system more fundamentally.

In 2024, more than 100 leading scholars signed a public letter in support of fusion voting, noting:

“Today that two-party system is clearly under strain... Political parties are the essential institution of modern mass democracy because they uniquely organize representation for large groups of citizens and connect them to their government. When so many citizens are disengaged, parties struggle to provide their crucial representation and mediation functions. But while parties

¹⁵ Drutman, *Breaking the Two-Party Doom Loop*, Chapter 4; Lilliana Mason, “A Cross-Cutting Calm: How Social Sorting Drives Affective Polarization,” *Public Opinion Quarterly* 80, no. S1 (2016): 351-377.

¹⁶ *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 367 (1997).

¹⁷ Jacob S. Hacker and Paul Pierson, “After the ‘Master Theory’: Downs, Schattschneider, and the Rebirth of Policy-Focused Analysis,” *Perspectives on Politics* 12, no. 3 (2014): 643-62.

are necessary to democracy, in a society as diverse as the U.S., no two parties can together manage to represent everyone.”¹⁸

This changing scholarly consensus reflects a necessary response to the dramatically changed reality of U.S. politics. The political environment of 2025 is fundamentally different from that of 1997. The parties are far more divided and antithetical. Starting in the 1980s and especially since the 1990s, legislative voting patterns have shown increasing alignment along a single left-right dimension, with recent analyses suggesting that approximately 97 percent of congressional voting now follows partisan lines.^{19,20} Partisan animosity has increased to significantly higher levels through processes of partisan sorting and affective polarization.²¹ The last significant burst of landmark bipartisan lawmaking took place in 1990, when a Democratic Congress and Republican President George H. W. Bush signed the Clean Air Act, the Americans with Disabilities Act, the Immigration Act of 1990, and the Budget Enforcement Act of 1990—all reflecting serious, bipartisan, evidence-based, committee-driven processes.²² The rest of the 1990s into the early 2000s produced only a dwindling handful of major bipartisan bills: welfare reform in 1996, telecommunications reform in 1996, the Children’s Health Insurance Program in 1997, and No Child Left Behind in 2001.²³ But since Republicans achieved unified government control in 2003, all major legislation has been effectively partisan legislation.²⁴ Cross-partisan governance capacity has collapsed as Congress has become dysfunctional and weak,²⁵ with

¹⁸ <https://medium.com/@scholarsforrelegalizingfusion/scholars-letter-in-support-of-re-legalizing-fusion-voting-72d405442720>

¹⁹ CQ Roll Call Vote Studies (2024). Both House and Senate parties have reached record levels of party-line voting in recent years, with party unity scores exceeding 95 percent for all four congressional caucuses.

²⁰ Lee Drutman, *Breaking the Two-Party Doom Loop*, 87; Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America* (MIT Press, 2006).

²¹ Shanto Iyengar and Sean J. Westwood, “Fear and Loathing across Party Lines: New Evidence on Group Polarization,” *American Journal of Political Science* 59, no. 3 (2015): 690-707; Alan I. Abramowitz and Steven W. Webster, “Negative Partisanship: Why Americans Dislike Parties but Behave Like Rabid Partisans,” *Political Psychology* 39 (2018): 119-35.

²² Drutman, *Breaking the Two-Party Doom Loop*, 95-96.

²³ *Id.* at 96.

²⁴ *Id.*

²⁵ Sarah Binder, “The Dysfunctional Congress,” *Annual Review of Political Science* 18, no. 1 (2015): 96; Frances E. Lee, “How Party Polarization Affects Governance,” *Annual Review of Political Science* 18, no. 1 (2015): 261-82.

gridlock and centralized partisan leadership replacing flexible and fluid bipartisan, compromise-oriented legislating.²⁶

Whatever stability the two-party system may have provided up through the mid-1990s has diminished substantially in the 21st century. And as a two-party system, the United States represents an outlier among advanced democracies.

As Downs himself cautioned, “A two-party democracy cannot provide stable and effective government unless there is a large measure of ideological consensus among its citizens.”²⁷ That prediction is now proving accurate.

The assumption in *Timmons* that two-party systems are necessary for political stability finds no support in comparative evidence. Most of the world’s stable democracies feature multiparty systems. Among OECD countries, the United States has an “effective number of parties” of just two, placing it at the lower end of the distribution.²⁸ Many well-functioning democracies operate with more than two parties, suggesting that in a society as diverse as the United States, multiparty competition promotes democratic stability.²⁹

When *Timmons* was decided, many candidates and elected officials touted their bipartisanship and praised their colleagues across the aisle, and voters followed the cues of elites. This has changed dramatically. Today’s political incentives revolve around majority control rather than bipartisan cooperation. Party leaders actively discourage compromise because it “muddies the partisan brand.” The old system is not returning on its own.

FUSION AS A MECHANISM FOR STABILITY AND MODERATION

Historical evidence demonstrates that in the latter nineteenth century fusion voting served as an effective mechanism for coalition-building dynamics that contributed to political flexibility.³⁰ By enabling cross-party endorsements and coalition politics, fusion enabled and promoted cross-cutting alliances, allowing voters to express more nuanced political preferences without the

²⁶ William Bendix, “Bypassing Congressional Committees: Parties, Panel Rosters, and Deliberative Processes,” *Legislative Studies Quarterly* 41, no. 3 (2016): 687-714; James M. Curry, *Legislating in the Dark: Information and Power in the House of Representatives* (Chicago: University of Chicago Press, 2015).

²⁷ Anthony Downs, *An Economic Theory of Democracy* (1957), 103.

²⁸ Drutman, *Breaking the Two-Party Doom Loop*, 209.

²⁹ Lee Drutman, “Proportional Representation,” in *Electoral Reform in the United States*, edited by Larry Diamond, Edward B. Foley, and Richard Pildes (Lynne Rienner Publishers, 2024).

³⁰ Lisa Jane Disch, *The Tyranny of the Two-Party System* (Columbia University Press, 2002).

strategic dilemma of “wasting” their votes on minor parties.³¹ While fusion operated within a different political and media environment, the core dynamics it enabled remain relevant to contemporary concerns about polarization.

As Peter Argersinger documented in his foundational historical analysis, fusion “enabled Democrats to secure the votes of independents or disaffected Republicans who never considered voting directly for the Democracy they hated; it permitted such voters to register their discontent effectively without directly supporting a party that represented negative reference groups and rarely offered acceptable policy alternatives.”³² The use of separate party ballots in the nineteenth century facilitated this dynamic: “This election system allowed partisans of fusing parties to cast their votes without explicitly acknowledging their shared behavior or its significance, and it enabled a party to pursue fusion with an unwilling partner.”³³

This coalition-building mechanism provided third-party movements a pathway to electoral influence, and encouraged major party candidates to expand their coalitions beyond their traditional base to capture cross-nominated support.³⁴ Early twentieth-century political scientists recognized fusion as essential to third-party viability and increased effectiveness, with James Bryce observing that fusion “helps to keep a minor party going, and gives to its vote a practical result otherwise unattainable.”³⁵

Contemporary analysis indicates that fusion balloting offers a promising approach to address the current polarization crisis. It gives voters a clear way to signal: ‘stop the hyper-partisan fighting.’ It also provides partisans unhappy with their own party’s extremism a way to signal that displeasure without fully defecting to the opposition.

Most importantly, fusion can re-empower the political center, which currently lacks institutional representation.

Empirical evidence from the Shor-McCarty state legislative ideology dataset confirms this expectation. In New York and Connecticut—the two states with active fusion systems—Republican legislators are dramatically more moderate than the national median, while Democratic legislators are only somewhat

³¹ Peter H. Argersinger, “‘A Place on the Ballot’: Fusion Politics and Antifusion Laws,” *The American Historical Review* 85, no. 2 (1980): 290.

³² Argersinger, “‘A Place on the Ballot,’” 290.

³³ *Id.*

³⁴ Lisa Disch, *The Tyranny of the Two-Party System* (New York: Columbia University Press, 2002); Pocasangre and Strano, “What We Know About Fusion Voting,” 33.

³⁵ Disch, *The Tyranny of the Two-Party System*, 97.

more liberal. The low polarization in fusion states derives primarily from moderate Republicans, the opposite of the pattern predicted by critics who argue fusion empowers only ideological flank parties.³⁶

When there are only two sides, dissenters on each side have limited options. Partisans uncomfortable with aspects of their party's direction face an impossible choice: support the opposition or vote for a third party (which would effectively help their opponents). This dynamic leads many partisans to rationalize alignment with positions they might otherwise have questioned.

With fusion voting, pro-democracy conservatives would not have to choose between their democratic principles and their conservative policy preferences. Partisans would not need to justify voting for the lesser of two evils by convincing themselves the other side is irredeemably dangerous.

Fusion voting provides an effective mechanism for breaking the binary that has made contemporary American politics so dysfunctional. It allows candidates to be nominated by more than one party, which in turn allows voters to cast more meaningful and informative votes.

A voter who supports a moderate Democrat for Congress over an extreme Republican candidate, or a moderate Republican over an extreme Democrat, can signal that preference clearly. The vote counts for a viable major party candidate while also registering support for moderation by being cast on the fusion party line.

By creating institutional space for the political center, fusion voting can generate a centripetal force to counteract the centrifugal forces driving polarization.

Fusion voting thus serves a dual function. It moderates political conflict by creating incentives for coalition-building and enabling voters to signal preferences for compromise. But it also sustains the third parties that make this moderation possible. Without fusion, minor parties cannot participate in winning coalitions, cannot demonstrate their electoral contribution, and cannot maintain the voter support necessary to survive as ongoing organizations. The moderating effects of fusion depend on the viability of the third parties that practice it—and that viability depends on fusion. Indeed, in Michigan, the Common Sense Party—founded by former Republican officials—is currently organizing to use fusion voting to advance centrist candidates, demonstrating that political entrepreneurs view fusion as the mechanism necessary for centrist party viability.³⁷

³⁶ Boris Shor and Nolan McCarty, "Aggregate State Legislator Shor-McCarty Ideology Data," January 2025 release. New York House Republicans score 0.13 on the Shor-McCarty scale; the national median is 0.88—a deviation of nearly two standard deviations toward moderation.

³⁷ Andrew Roth, "New: Former Republicans Seek to Create New Centrist Party and Utilize Fusion Voting in Michigan," *Michigan Advance*, May 10, 2023; Ford School of Public Policy, University of Michigan, "Schwarz Helps Form New 'Common Sense' Political Party."

Fusion voting has been proposed as a practical approach to these challenges. By allowing citizens to vote their values while supporting viable candidates, it creates institutional space for new political alignments and allows dissenting voices to exercise electoral influence. The evidence from New York and Connecticut demonstrates that fusion can establish a meaningful centrist force in civic and political life.

THIRD PARTIES AND THE EXPRESSION OF POLITICAL PREFERENCES

Beyond its moderating effects, fusion voting serves a distinct constitutional value: enabling citizens to express political preferences through meaningful party affiliation. This expressive function operates independently of—and in addition to—fusion’s stabilizing effects.

THE ESSENTIAL DEMOCRATIC FUNCTIONS OF POLITICAL PARTIES

Political parties are not merely electoral machinery. As E.E. Schattschneider observed, “Political parties created democracy and modern democracy is unthinkable save in terms of the parties.”³⁸ Parties perform functions no other institution can replicate: they organize political conflict into manageable coalitions, aggregate and articulate citizen preferences, recruit and nominate candidates, and mobilize voters.³⁹ As Nancy Rosenblum argues, “Without parties, deliberation is disorganized and impossible within legislatures, much less on a public national scale.”⁴⁰

When citizens cannot find a party that represents their preferences, they are structurally excluded from the primary mode of democratic participation. As more than 100 leading scholars observed in a 2024 letter supporting fusion voting: “Political parties are the essential institution of modern mass democracy because they uniquely organize representation for large groups of citizens and connect them to their government. When so many citizens are disengaged, parties struggle to provide their crucial representation and mediation functions. But while parties are necessary to democracy, in a society as diverse as the U.S., no two parties can together manage to represent everyone.”⁴¹

³⁸ E.E. Schattschneider, *Party Government* (New York: Rinehart, 1942), 1.

³⁹ John H. Aldrich, *Why Parties? The Origin and Transformation of Political Parties in America* (Chicago: University of Chicago Press, 1995).

⁴⁰ Nancy L. Rosenblum, *On the Side of the Angels: An Appreciation of Parties and Partisanship* (Princeton: Princeton University Press, 2008), 160.

⁴¹ Scholars Letter in Support of Re-Legalizing Fusion Voting (2024).

The share of Americans identifying as political independents has reached a record 43 percent.⁴² More Americans express desire for a third party than at any point in polling history—68 percent in recent surveys.⁴³ Yet third-party activity remains negligible.

THE STRUCTURAL IMPOSSIBILITY OF NEW PARTY FORMATION UNDER CURRENT RULES

Citizens who do not find their preferences represented by either major party face a structural impossibility, not merely a practical difficulty. The American electoral system contains multiple reinforcing mechanisms that make meaningful third-party participation effectively impossible absent fusion voting.

Why Ballot Access Reform Alone Is Insufficient

One might assume that the difficulty of forming new parties could be addressed by loosening ballot access requirements. The empirical evidence demonstrates otherwise. Political scientists have conducted numerous studies examining the relationship between ballot access rules and third-party performance. The findings are consistent: ballot access laws have minimal to null effects on third-party electoral success.

In a study of U.S. House elections, Stephen Ansolabehere and Alan Gerber found that while “laws governing access to the ballot stunted competition in U.S. House races,” the effects were primarily on whether candidates appeared on the ballot—not on their vote shares once they did.⁴⁴ Signature requirements and filing fees significantly deter minor-party entry, yet the electoral impact on vote shares proves elusive.⁴⁵

Even in states with the most permissive ballot access rules, third parties rarely command support higher than the low single digits.⁴⁶ As Bernard Tamas and Matthew Hindman documented, “restrictions to the entry of minor party and independent candidates have been systematically adjusted to changing degrees of electoral competition”—major parties tighten restrictions when

⁴² Jeffrey M. Jones, Gallup (January 2024).

⁴³ Lee Drutman, *Breaking the Two-Party Doom Loop* (New York: Oxford University Press, 2020), 257.

⁴⁴ Stephen Ansolabehere and Alan Gerber, “The Effects of Filing Fees and Petition Requirements on U.S. House Elections,” *Legislative Studies Quarterly* 21, no. 2 (1996): 249-264.

⁴⁵ *Id.* at 252-259.

⁴⁶ Bernard Tamas and Matthew J. Hindman, “Ballot Access Laws and the Decline of American Third Parties,” *Election Law Journal* 13, no. 2 (2014): 260-276.

third parties become threatening—but even when restrictions are loosened, third-party performance remains marginal.⁴⁷

The binding constraint is not ballot access but rather the structural logic of single-member plurality elections. Under “Duverger’s Law,” single-winner plurality elections systematically channel all political energy into two parties because votes for third-party candidates are either “wasted” (if the candidate cannot win) or serve as “spoilers” (if they draw votes from a preferred major-party candidate).⁴⁸

Howard Scarrow’s foundational analysis demonstrated that fusion bans in the 1890s—not merely the Australian ballot or other ballot access restrictions—were the decisive factor in third-party decline. Scarrow showed that fusion bans “achieved their intended effect” of eliminating third parties as meaningful electoral actors, and that “Duverger’s Law, with its emphasis on the structure of the electoral system as the major determinant of the party system, may need modification to take into account additional rules.”⁴⁹

New parties can form as a formal matter. But under single-member plurality rules without fusion, they face an impossible strategic bind: every vote cast on their line is either “wasted” on a candidate who cannot win or functions as a “spoiler” that aids the candidate their supporters most oppose. There is no mechanism through which a minor party can participate in a winning coalition while retaining its distinct identity. This futility suppresses not merely third-party success but third-party existence. Rational citizens who might otherwise organize a new party decline to invest the considerable resources required when the electoral system guarantees that their effort cannot translate into meaningful electoral participation. The result is a diminished universe of political organizations available to citizens as vehicles for representation.

Michigan illustrates this dynamic. Under Michigan law, new political parties can qualify for the ballot through petition, requiring signatures equal to one percent of total gubernatorial votes distributed across at least half the state’s congressional districts.⁵⁰ Once qualified, candidates can appear on the ballot under the party’s label. But qualification is only the first step. Without fusion voting, a qualified minor party faces an unrelenting structural logic: every vote cast on its line is a vote that cannot also support a viable candidate. Potential supporters, aware that their votes will be wasted or will function as spoilers, rationally withhold their support. The party’s vote share remains marginal; if it falls below the

⁴⁷ *Id.* at 267.

⁴⁸ Maurice Duverger, *Political Parties* (London: Methuen, 1954).

⁴⁹ Howard A. Scarrow, “Duverger’s Law, Fusion, and the Decline of American ‘Third’ Parties,” *Western Political Quarterly* 39, no. 4 (1986): 634-647, at 646-647.

⁵⁰ Mich. Comp. Laws § 168.685(1).

one percent threshold for the secretary of state race, it loses its ballot line; and the cycle begins again.⁵¹ The problem is not that the door to party formation is locked—it is that the room beyond the door contains no oxygen. Fusion voting supplies that oxygen by allowing minor-party votes to count toward a viable candidate’s total, giving citizens a reason to affiliate with and sustain third parties over time. Howard Scarrow’s foundational analysis confirmed this causal mechanism: fusion bans in the 1890s were the decisive factor in third-party decline, “achiev[ing] their intended effect” of eliminating third parties as meaningful electoral actors.⁵² As Lisa Disch has argued, fusion bans did not merely contribute to a trend that would have occurred anyway; they “extended state regulation into a previously lawless domain of competition and strategy,” and their prohibition was “consequential” for the elimination of third parties from twentieth-century electoral politics.⁵³ The absence of viable third parties in Michigan is not evidence that third parties are unnecessary or unwanted; it is a consequence of the structural environment the fusion ban itself creates.

THE DEMOCRATIC VALUE OF THIRD PARTIES

Third-party marginalization deprives the democratic system of functions that major parties cannot replicate.

Voice for Protest and Dissent

For citizens who feel neither major party represents them, the absence of viable third-party options means choosing between the lesser of two evils, disengaging from electoral participation, or casting a vote they know to be wasted. New parties have served as “critics of mainstream politicians and major parties,” offering dissatisfied citizens a productive avenue for participation.⁵⁴ The Populist Party of the 1890s elevated concerns about agricultural hardship and excessive bank power, giving those most affected by the depression years a political voice they would otherwise have lacked.⁵⁵

Platform for Under-Represented Groups

⁵¹ Mich. Comp. Laws § 168.685(6) (revoking party status if principal candidate receives less than 1% of votes cast for the successful secretary of state candidate).

⁵² Howard A. Scarrow, “Duverger’s Law, Fusion and the Decline of American ‘Third’ Parties,” *Western Political Quarterly* 39, no. 4 (1986): 634–47.

⁵³ Lisa Disch, *The Tyranny of the Two-Party System* (Columbia University Press, 2002), 100–102.

⁵⁴ Immanuel Ness and James Ciment, eds., *The Encyclopedia of Third Parties in America* (Armonk, NY: Sharpe Reference, 2000), xix.

⁵⁵ Steven J. Rosenstone, Roy L. Behr, and Edward H. Lazarus, *Third Parties in America*, 2nd ed. (Princeton University Press, 1996), 70.

Third parties have served as entry points for constituencies marginalized by major-party gatekeepers. From 1912 to 1964, when major parties were dismissive of female candidates, smaller parties offered women opportunities for electoral participation. “Nearly all of the early women who ran for U.S. House did so under third-party labels,” and “the proportion of female nominees within third parties has been greater than the major parties for much of the time period” studied.⁵⁶ Third parties have similarly provided opportunities for poor and economically powerless citizens, and for younger citizens whose concerns major parties ignored.⁵⁷

Policy Innovation

Major parties, as big-tent coalitions seeking to maintain existing alliances, are structurally resistant to policy innovation. Third parties have been the “forerunners” of political change, “representing new groups, and offering new ideas for public policy.”⁵⁸

“Successful third party campaigns have typically been far more about substantive issues than major party campaigns, largely because third party candidacies have been fueled far more by particular issues. This issue focus emerges for two reasons: First, third parties typically form around issues or issue positions that are being ignored by the two major parties. Second, to attract attention, third party candidacies must give voters a strong and clear reason to break with one of the major parties.”⁵⁹

Third parties have been innovators in numerous policy areas: abolition of slavery (Liberty Party, Free Soil Party), women’s suffrage, the progressive income tax, direct election of Senators, railroad regulation, and occupational safety standards.⁶⁰

Forcing Major-Party Responsiveness

By organizing under-represented groups and demonstrating consequential voting blocs, minor parties have forced major parties to adapt. “Let a third party once demonstrate that votes are to be made by adopting a certain demand, then one or the other of the [major] parties can be

⁵⁶ Dennis Simon and Barbara Palmer, “The Trail Blazers: Women as Third-Party Candidates in Elections to the U.S. House of Representatives, 1912–2012,” *Politics, Groups, and Identities* 5, no. 4 (2017): 660-78.

⁵⁷ Rosenstone, Behr, and Lazarus, *Third Parties in America*, 145.

⁵⁸ Christian Collet, “Third Parties and the Two-Party System,” *Public Opinion Quarterly* 60, no. 3 (1996): 431.

⁵⁹ Peter L. Francia and Paul S. Herrnson, in *Multiparty Politics in America*, 2nd ed., eds. Paul S. Herrnson and John C. Green (Lanham, MD: Rowman & Littlefield, 2002), 95-96.

⁶⁰ Elissa Berger, “A Party That Won’t Spoil,” *Brooklyn Law Review* 70 (2005): 1381, 1386.

trusted to absorb the new doctrine.”⁶¹ The Republican Party emerged in the 1850s as an offshoot of previous third-party efforts—the Free Soil Party and Liberty Party—which first elevated the anti-slavery cause when both major parties tried to suppress it.⁶²

FUSION ENABLES EXPRESSIVE VOTING

Without fusion voting, third parties cannot perform these democratic functions under single-member plurality elections. “Spoiler” and “wasted vote” dynamics ensure third parties remain marginal regardless of ballot access.

Fusion allows third parties to retain their independence while exerting real influence on elections and policy.⁶³ It provides a way of “establishing independent political capacity and power that enables [minor parties] to exert significant influence on one or the other of the major parties without succumbing to the spoiler problem.”⁶⁴

By enabling third parties to cross-endorse major-party candidates, fusion allows citizens to cast a constructive, expressive vote—one that simultaneously supports a viable candidate and signals the values motivating that support. Antifusion laws eliminate this expressive capacity, reducing the ballot to a binary choice.

As Justice Stevens observed in his *Timmons* dissent, “The right to be on the election ballot is precisely what separates a political party from any other interest group.”⁶⁵ Antifusion laws strip third parties of this distinguishing feature, reducing them to advocacy organizations that may “spread [their] message to all who will listen” but cannot translate that message into electoral influence.⁶⁶

CHANNELING DISSENT WITHIN THE SYSTEM

There is a final consideration that bears on democratic stability: it is safer for democracy to channel political dissent *into* the electoral system than to exclude it.

When citizens feel unrepresented by both major parties, they do not simply disappear. Their political energy must go somewhere. If the electoral system offers no productive outlet—no way

⁶¹ John D. Hicks, *The Populist Revolt* (1931), 26-27.

⁶² Rosenstone, Behr, and Lazarus, *Third Parties in America*, 55-57.

⁶³ Maresa Pocasangre and Lily Strano, “What We Know About Fusion Voting,” *New America* (2021), 33.

⁶⁴ *Id.*

⁶⁵ *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 373 (1997) (Stevens, J., dissenting).

⁶⁶ *Id.*

to register dissent while still participating in elections—that energy flows into extra-electoral channels: protest movements, anti-system rhetoric, or worse.

The historical record confirms this dynamic. Third parties have traditionally served as “safety valves” for democratic discontent, providing citizens frustrated with major-party options a way to participate constructively rather than withdraw into alienation or turn toward anti-democratic alternatives.⁶⁷ Certainly, some third-party movements have attracted cranks and extremists. But as a matter of democratic practice, it is safer to give such individuals a home in minor parties than in major parties. If opportunities for third-party advancement are cut off, those seeking political influence will instead seek the nominations of major parties, where winning such nominations guarantees them much broader built-in support in a general election.⁶⁸

Fusion voting thus serves a democratic safety function. By allowing minor parties to participate meaningfully in elections, it channels political dissent into the electoral process rather than outside it. Citizens who might otherwise conclude that “the system is rigged” against their concerns can instead see their votes count toward candidates who share their values—even if those candidates also bear major-party labels.

The alternative—a rigid two-party duopoly that offers no meaningful third-party participation—risks alienating precisely those citizens most dissatisfied with the status quo. In an era of declining trust in institutions and rising anti-system sentiment, fusion voting offers a mechanism for re-integrating disaffected citizens into democratic participation.

FUSION AND DISTINCT PARTY IDENTITIES

Another concern sometimes raised is that fusion voting would undermine the distinct identities of the two parties. Historical evidence demonstrates the opposite.

In the 1880s and 1890s, when fusion was widely legal and most commonly used throughout the country across several states, the two major parties maintained intensely distinct identities. Partisanship during this era was, as Peter Argersinger documents, “intense, rooted not only in shared values but in hatreds engendered by cultural and sectional conflict.”⁶⁹ Party loyalty ran so

⁶⁷ Steven J. Rosenstone, Roy L. Behr, and Edward H. Lazarus, *Third Parties in America*, 2nd ed. (Princeton University Press, 1996), 4-8 (discussing third parties as vehicles for protest and dissent); Arthur M. Schlesinger Jr., “Introduction” to *History of U.S. Political Parties*, ed. Arthur M. Schlesinger Jr. (New York: Chelsea House, 1973) (noting third parties’ role as “safety valves” for democratic discontent).

⁶⁸ Lee Drutman, *Breaking the Two-Party Doom Loop* (2020), 67-68; see also Hans-Georg Betz, *Radical Right-Wing Populism in Western Europe* (New York: St. Martin’s Press, 1994) (analyzing how exclusion from mainstream politics can radicalize political movements).

⁶⁹ Argersinger, “A Place on the Ballot,” 289.

deep that changes in party control resulted less from voter conversion than from differential rates of partisan turnout or from the effect of third parties.⁷⁰

Yet despite—or perhaps because of—these strong partisan identities, minor parties flourished and regularly captured significant shares of the popular vote. Between 1874 and 1892, minor parties held the balance of power at least once in every state but Vermont, and from the mid-1880s they held that power in a majority of states in nearly every election.⁷¹ In the 1892 election cycle, neither major party secured a majority of the electorate in nearly three-quarters of the states.⁷²

Fusion enabled these minor parties to exercise real political influence without requiring voters to abandon their fundamental party allegiances. Crucially, “this election system allowed partisans of fusing parties to cast their votes without explicitly acknowledging their shared behavior or its significance, and it enabled a party to pursue fusion with an unwilling partner.”⁷³

The Populists exemplified how fusion allowed minor parties to maintain distinct identities while building effective coalitions. As Argersinger notes, Populists and Democrats named separate state tickets in order to maintain their parties’ organization and independence, though each party conceded that such separation would lead to a Republican victory. The weaker Democrats, in particular, feared that under antifusion laws cooperation with Populists would be “not fusion but absorption.”⁷⁴

This dynamic fostered political innovation and realignment. Minor parties introduced new cross-cutting conflicts, including many progressive reforms, which coincided with an era of significant policy innovation. The fusion era ultimately drove a political realignment at the end of the 1890s that reshaped American politics.⁷⁵

By contrast, in the mid-twentieth century, when fusion was banned across most states, the two major parties were least distinct from each other. They overlapped to such a degree that voters often struggled to tell them apart. This was the era of what I’ve called the four-party system, when liberal Republicans and conservative Democrats served alongside conservative Republicans

⁷⁰ *Id.*

⁷¹ *Id.* at 289.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.* at 297.

⁷⁵ Peter H. Argersinger, “‘A Place on the Ballot’: Fusion Politics and Antifusion Laws,” *The American Historical Review* 85, no. 2 (1980): 287-306.

and liberal Democrats. Ideology and partisanship were often cross-cutting. Without fusion, there was no mechanism through which new political identities could gain traction and force major parties to differentiate themselves on emerging issues.

ADDRESSING THE “BILLBOARD” CONCERN

Critics of fusion voting sometimes argue that if fusion voting were widely legal, ballots would become cluttered with minor parties using fusion as “a billboard for political advertising.”⁷⁶

If this were the case, we would expect to see a proliferation of tiny political parties in New York State, where fusion has been legal for more than a century. In practice, nothing close to this hypothetical scenario has happened. Besides the dominant Democratic and Republican Parties, New York State has a left-oriented Working Families Party and a right-oriented Conservative Party. Some other parties have come and gone over the years. Ballots in the Empire State are far from billboards. Nor are they billboards in neighboring Connecticut, also a fusion-legal state.

There are three main reasons why ballots do not become billboards.

First, candidates must consent to be listed under a party label. A candidate might be wary of accepting a label from an unknown party or a single-issue party (gun rights, abortion rights). A ballot commitment to such a party does not help in a competitive election and is worthless in a non-competitive one.

Second, organizing parties requires real work and genuine support in the electorate. Convincing voters to vote on a fusion party line requires a significant organization. Fly-by-night one-off parties simply cannot generate the credibility that candidates want to associate with. Voter education and communication is costly work.

Third, states regulate party formation and ballot access. All states maintain some regulations around ballot access. Parties must demonstrate some level of support (usually signatures) to gain ballot access. They must maintain consistent support (usually vote shares) to maintain ballot access. Sensible regulations around ballot access can prevent both abuse and exclusion.

Additionally, third parties that exist primarily to secure patronage tend to fail. The Liberal Party in New York is a good example. Once a genuine party, it became corrupt and used its ballot line to bargain with the major parties for patronage and campaign contributions. As a result, it lost support and ultimately its ballot line.⁷⁷

ADDRESSING THE VOTER CONFUSION CONCERN

⁷⁶ *Timmons* at 365.

⁷⁷ Lynn Adelman, “The Misguided Rejection of Fusion Voting,” *Idaho Law Review* 56 (2020): 112.

Another common argument against fusion voting is that it leads to voter confusion. The evidence does not support this claim. Rather, research indicates the opposite.⁷⁸

As a recent report summarizing research on fusion voting noted, rather than confuse voters, the additional party labels help inform voters, by giving them more information about the candidates.⁷⁹

As the report notes, “Voters who do not follow politics or do not have the bandwidth to research all the candidates that appear on the ballot may use the fused ballot as a heuristic, choosing to vote for those candidates that have been endorsed by their preferred minor party.”⁸⁰

Of course, these information cues only help if parties establish meaningful identities—another reason why pop-up parties do not proliferate. Organizing and sustaining a political party takes resources.

As the report notes, “For fusion ballots to provide additional information to voters, minor parties need to develop a strong and recognizable brand. The experience of parties using independent-related labels illustrates the power of a strong brand.”⁸¹

CONCLUSION

American democracy faces serious challenges. The processes of hyper-partisan polarization have been driven by fundamental changes in the party system, geographic realignment, the nationalization of American politics, and intensely close competition for control of government. These developments have transformed the American system from a multi-dimensional, compromise-oriented political environment to a polarized, binary system characterized by zero-sum partisan competition.

Fusion voting offers a realistic and practical mechanism for addressing these challenges. It serves two distinct functions, each independently valuable.

By making centrist and third parties viable—capable of participating in winning coalitions, demonstrating their electoral contribution, and sustaining themselves across election cycles—fusion voting would give representation to voters who are currently underserved by both major parties.

⁷⁸ Eric Loepp and Benjamin Melusky, “Why Is This Candidate Listed Twice? The Behavioral and Electoral Consequences of Fusion Voting,” *Election Law Journal* 21, no. 2 (2022): 105-23.

⁷⁹ *Id.*

⁸⁰ Pocasangre and Strano, “What We Know About Fusion Voting,” 16.

⁸¹ *Id.*

This expressive function requires viable third parties, which cannot survive under single-member plurality rules without fusion. With fusion, third parties can persist as durable vehicles for democratic participation, channeling dissent into the electoral system rather than outside it.

When *Timmons* was decided in 1997, the Court accepted the claim that two-party systems promote political stability. The intervening decades have refuted that assumption. The two-party system has not produced stability; it has produced escalating dysfunction. The comparative evidence confirms what American experience now demonstrates: rigid two-party competition without cross-cutting mechanisms generates polarization, not stability. Fusion voting is precisely such a cross-cutting mechanism—one with deep roots in American democratic practice.

Fusion voting represents a proven reform with deep historical precedent in American democracy. It reduces polarization by enabling coalition-building. It enables political expression by making third parties viable. And it channels democratic discontent productively by giving citizens who feel unrepresented a reason to participate rather than withdraw. These are precisely the outcomes that Timmons hoped the two-party system would provide on its own. It did not. Fusion voting can.

I verify that this report was prepared by me, Lee Drutman



5/16/2026

THOMAS REPORT

Expert Report of Christopher M. Thomas

Introduction

Under Michigan Election Law an individual may not appear on an election ballot as a candidate nominated or certified by more than one political party for the same office. MCL 168.692 and 693 establish a comprehensive framework for preventing fusion voting, commonly known as cross party endorsement. Simply put, a political party is prohibited from nominating or certifying a candidate for a particular office who has been nominated or certified by another political party for that office.

In this report, I offer my opinion on whether fusion voting in Michigan is feasible with the existing voting systems used in the state; whether fusion voting will create undue voter confusion or delay in voting; and, whether voter education can reasonably prepare the electorate for fusion voting. By way of preview, I concluded that existing electronic voting systems approved in for use in Michigan can successfully be used to conduct fusion elections; that fusion voting will not create significant confusion or delay in voting; and that voter education methods currently in place are capable of providing the electorate with necessary information to competently vote in a fusion election.

My opinions expressed in this report are from my knowledge and experience in Washington D.C. and Michigan in addition to several resources involving voting systems, fusion voting and voter education. I have administered elections for 43 years and worked as a consultant in election administration for an additional 9 years. I am being compensated by the plaintiffs at the rate of \$300 per hour. I have neither been directed nor requested to offer any specific opinion. My opinions are my own.

Qualifications

I am currently an election administration consultant with the City of Detroit and Promote the Vote Michigan. I retired in 2017 after serving as a public sector election administrator for 43 years in Washington, D.C with the Clerk of the U.S. House of Representatives and the Federal Election Commission and in Lansing, MI with the Michigan Department of State (MDOS).

I earned a B.A. degree in political science from Michigan State University in 1972, a M.A. degree from St. Louis University in 1974 and a J.D. degree from Thomas Cooley Law School in 1985.

My expertise involves creation and implementation of election administration policy initiatives that increase service to election administrators and the voting public. My

early career involved bringing campaign finance disclosure to the media and interested public. During 40 years with MDOS, I served 36 years as Michigan's Director of Elections, administering Michigan election law, campaign finance act and lobbyist disclosure act. I advocated for bipartisanship in development of election administration policy and served under Democratic and Republican Secretaries of State. I served as secretary to the Board of State Canvassers overseeing the testing of all voting systems approved during my tenure with MDOS. I envisioned the Qualified Voter File (QVF), Michigan statewide voter registration and election management system. I served as the National Association of State Election Directors' (NASED) liaison to congressional staff during development and passage of the Help America Vote Act (HAVA), a post 2000 election reform effort. In that capacity I brought Michigan's QVF to congressional staff working on HAVA, where it was codified into federal election law. I testified before the Ford-Carter National Commission on Federal Election Reform in 2001. I directed the implementation of optical scan voting statewide beginning in 2004. From 2004 until 2017, I was a member of the U.S. Election Assistance Commission's Board of Advisors, created by HAVA to provide organizations input in the development of Voluntary Voting System Guidelines and the voting system testing and certification processes. I served as the Chair of the Board of Advisors from 2006 – 2008.

I directed the creation of Michigan Voter Information Center (MVIC), designed to educate electors, and the E-Learning Center, designed to bring ongoing education to election administrators. In 2013, I was appointed by President Barack Obama as a commissioner to the Presidential Commission on Election Administration, charged with development of policies to improve the voting experience of the nation's voters. In 2019, Secretary of State Jocelyn Benson appointed me to chair an advisory committee on implementing the election reforms adopted by the voters in 2018. In 2023-24, I drafted legislation implementing the voter-approved reform in the 2022 election.

I have testified before committees addressing election administration in the U.S. Senate and House of Representatives and in the Michigan legislature. I am a founding member of the National Association of State Election Directors (NASED) and served as its president in 1997 and 2013. I currently am a member of the advisory board of the MIT Election Data and Science Lab and a board member of the U.S. Vote Foundation, an organization committed to assisting overseas voters. I have delivered remarks to several civic organizations on election administration and responded to both national and local news media.

Background on Anti-Fusion Voting Legislation in Michigan

The United States in the late 1880s through the mid-1890s saw a massive reordering of the structure of nearly every state's election administration

apparatus. Michigan experienced the glory of reform followed by the two-party entrenchment in the span of 4 years beginning in 1891 and ending in 1895.

Prior to the late 1880s and early 1890s, fusion voting was commonplace in elections across the country. This was an era in which the political parties printed their own election ballots and distributed the ballots on election day for electors to insert into ballot boxes. These ballots were not the large 20" inch two-sided ballots we are accustomed to today, rather they were narrow 4 – 5 inches and as long as necessary to contain the party's candidates. These ballots contained only the candidates of the specific political party that printed the ballots. The political parties worked out among themselves who the candidates for each office would be without restriction on the number of parties that could add a particular candidate to their ballot.

Change began with the import of the Australian ballot, a printed ballot with a column for each qualified political party, placing all parties and their candidates on the same page. Gone were the political party ballot printing operations. This reform took direct aim at the widespread corruption of elections where the secrecy of the vote was routinely compromised. Parties used symbols and different colors to distinguish their ballots, making observation of which ballot a voter deposited into the ballot far too transparent. Such corruption fostered vote buying which was becoming far too common.

Michigan joined the reform movement with passage of Public Act 190 of 1891 adopting the Australian ballot heralded as the "new Michigan election law".¹ Public Act 190 served as the foundation of our modern electoral process including such provisions as county boards of election commissioners to print ballots and produce sample ballots, voting booths to shield electors marking their secret ballots, straight party and split ticket voting options, assisting voters who could not read English and a process of accounting for ballots issued to and returned by electors.

Importantly, the "new Michigan election law" did not prohibit fusion voting. For a few elections under the new process fusion voting continued, and minor party returns showed potential of fusion impacting the make up the state legislature. In 1893 the first attempt to abolish fusion failed by three votes.² Where Michigan failed to abolish fusion in 1893, South Dakota succeeded in becoming the first state to do so. The 1894 landslide mid-term election provided large legislative majorities with a determination to end fusion, positioning Michigan, Ohio, Wisconsin and Oregon to enact fusion bans.

March 14, 1895, Public Act 17 was enacted amending the "the new Michigan election law", Public Act 190 of 1891 to abolish fusion voting. Current Michigan Election Law tracks close to the following provisions of Public Act 17:³

- Prohibited the county board of election commissioners from printing in more than one party column name of any candidate who was nominated by two or more political parties for the same office.
- Extended to a candidate nominated to the same office by two or more parties a 5-day period to inform the county board of election commissioners of the single party column on which to print the candidate's name.
- Directed a county board of election commissioners to place the name of a candidate nominated to the same office by two or more parties on the column of the party that first certified the candidate to the county board of election commissioners should the candidate fail to select a column during the 5-day period.

By the end of 1895, the Michigan Supreme Court upheld the constitutionality Public Act 17.⁴ This ended fusion voting where more than one party nominates the same candidate to the same office.

Is it feasible to implement fusion voting in Michigan?

Types of Fusion Voting

There are two types of fusion voting in use in various states. The difference between the two versions is how the candidates appear on the ballot and how the results are reported. The first version is termed "aggregated" (partial fusion) and the second is termed "disaggregated" (full fusion).

An aggregated fusion ballot will display the fusion candidate's name only one time under the title of office sought with the name of each party that nominated the candidate either following or under the candidate's name. While the parties are identified, they are rolled up into a single line along with the candidate's name.

The election results are likewise aggregated into a single total for each precinct without any subtotals indicating the number of votes each party's nominee received. For example, if two parties nominate the same candidate for the same office under aggregated fusion, there will be no record of how many electors selected the candidate identified with Party 1 or Party 2. Rather there will be a single total vote for each precinct and a single total for the race.

A disaggregated fusion ballot will display a fusion candidate's name as many times as there are parties nominating the candidate. For example, if two parties nominated the fusion candidate, the candidate's name will appear two times under the office title. Each separate line will include the candidate's name and the party's name. Electors will have two choices if voting for the fusion candidate but may select only one.

Following the disaggregated ballot presentation, the results will necessarily be disaggregated subtotals reporting the number of votes received by the candidate under Party 1 and the number of votes received by the candidate under Party 2. For the fusion candidate in this example there will be two subtotals for each precinct, two subtotals for the race and a total combining the party subtotals for the race.

Voting System Can Accommodate Fusion Voting

The primary factor in determining whether fusion elections are feasible in Michigan is whether the voting systems approved and in use in Michigan are capable of conducting aggregated and disaggregated fusion voting.

In 2002, Congress enacted the Help America Vote Act, 52 U.S.C. 20902 – 21145, in part to improve the quality of America’s voting systems after the debacle in the 2000 presidential election. The U.S. Election Assistance Commission (EAC) was created to develop Voluntary Voting System Guidelines (VVSG) with assistance from the National Institute of Standards and Technology (NIST) that voting system manufacturers use when designing their voting systems. NIST qualifies National Voting System Testing Laboratories (VSTL) to test voting systems, submitted by the manufacturers for testing and certification as conforming to the VVSG. The States are free to determine how to use or not use the Certificate of Conformance issued by EAC to manufacturers whose voting systems are successfully tested. In Michigan, the Board of State Canvassers is responsible for approving voting systems before they may be used in state elections.⁵ The Board of State Canvassers and the current voting system contract demand an EAC Certificate of Conformance to VVSG before a voting system may be approved.

It bears note that the VVSG does not require voting systems to be capable of conducting fusion elections. In the interest of efficiency and cost containment, the EAC has agreed to include state-specific election functionality in the testing regime. The Certificate of Conformance reports whether state-specific functionality like fusion voting is successfully tested.

My methodology for assessing feasibility is:

- Identify states that are actively using aggregated or disaggregated fusion and their voting systems;
- Identify the voting systems approved for use in Michigan.
- Compare fusion states’ voting systems with Michigan’s voting systems.
- Identify the Election Management Software (EMS) version for each voting system approved by the Michigan Board of State Canvassers.
- Review whether the U.S. Election Assistance Commission has issued a Certificate of Conformance for each voting system to determine whether it

supports fusion: “Cross Party Endorsement - multiple parties endorse one candidate.”

This report identifies four fusion states: Oregon and Vermont – aggregated fusion and Connecticut and New York – disaggregated fusion.

Oregon has approved Clear Ballot, Election Systems and Software (ES&S), and Hart InterCivic. Vermont has approved Dominion (now Liberty Vote USA) as its statewide voting system along with paper ballots for those towns not using the electronic voting system.

Connecticut has approved ES&S as its statewide voting system. New York has approved Clear Ballot, Dominion, ES&S and Hart InterCivic.

Michigan currently has approved and uses Dominion, ES&S and Hart InterCivic. Each Michigan voting system is approved in at least one aggregated fusion state and in at least one disaggregated fusion state. Each of these voting systems has an EAC Certificate of Conformance that includes functionality testing for fusion: “Cross Party Endorsement – multiple parties endorse one candidate.”

A snapshot of each voting system demonstrates that all three voting systems are certified by the EAC as capable of supporting fusion elections and have been approved by the Michigan Board of State Canvassers. The Board of State Canvassers approved all three voting systems, including the EMS, on February 28, 2017.⁶ I was the secretary to the Board of State Canvassers at that meeting. That meeting of the Board of State Canvassers was at the beginning of a 10-year contract that expires in February 2027.

Dominion (now Liberty Vote): The Democracy Suite identifies the voting system and includes the EMS. The initial EMS and the more recently approved EMS are fusion compliant.

- Democracy Suite 5.0, EAC Certification Number: DVS-DemSuite-5.0 was issued on February 8, 2017. Page 12 of the Certification of Conformance verifies fusion – cross party endorsement - was successfully tested.⁷ On February 28, 2017, the Board of State Canvassers conditionally approved Democracy Suite 5.0, pending submission of EAC certification documentation, which was received.
- Democracy Suite 5.20, EAC Certification Number: DVS-DemSuite5.20 was issued on February 4, 2025. Page 15 of the Certificate of Conformance verifies fusion – cross party endorsement – was successfully tested.⁸ On February 21, 2025, the Board of State Canvassers approved Dominion Democracy Suite 5.20.⁹

- On February 19, 2026, the EAC accepted Liberty Frontier 1.0 test application package for certification under VVSG 2.0.¹⁰ This certification will be necessary to secure a future voting system contract from Michigan.

Election Systems & Software (ES&S): EVS identifies the voting system and includes the EMS. The initial EMS and the more recently approved EMS are fusion compliant.

- EVS 5.2.2.0, EAC Certification Number: ESSEVS5220 was issued on February 27, 2017. Page 12 of the Certificate of Conformance verifies that fusion – cross party endorsement - was successfully tested.¹¹ On February 28, 2017, the Board of State Canvassers approved ES&S EVS 5.2.2.0.¹²
- EVS 6.0.4.0, EAC Certification Number: ESSEVS6040 was issued on May 3, 2019. Page 13 of the Certificate of Conformance verifies fusion – cross party endorsement - was successfully tested.¹³ On September 19, 2019, the Board of State Canvassers approved ES&S EVS 6.0.4.0.¹⁴
- On March 13, 2026, the EAC accepted ES&S EVS 7000 test application for certification under VVSG 2.0.¹⁵ This certification will be necessary to secure a future voting system contract from Michigan.

Hart InterCivic: Verity identifies the voting system and includes the EMS. The initial EMS was not fusion compliant; a 2022 version of EMS is fusion compliant; and Verity Vanguard is fusion compliant and is VVSG 2.0 certified.

- On February 28, 2017, the Board of State Canvassers conditionally approved Verity 2.2.1. EAC Certification of Conformance indicated fusion was not verified.¹⁶
- Verity 2.7, EAC Certification Number: Hart-Verity-2.7 was issued on June 7, 2022. Page 17 of the Certificate of Conformance verifies fusion – cross party endorsement - was successfully tested.¹⁷ On March 18, 2024, the Board of State Canvassers approved Hart Verity 2.7.¹⁸
- Verity Vanguard 1.0, EAC Certification Number: HRT-VV-1.0 was issued on July 3, 2025.¹⁹ This is the first voting system used in Michigan certified to the new and vastly improved VVSG 2.0.

Feasibility Conclusion

It is my opinion that there is overwhelming support for the proposition that Michigan could feasibly conduct either aggregated or disaggregated fusion elections. I base this opinion on the following facts related to voting system manufacturers Dominion, ES&S and Hart InterCivic:

- Oregon and Vermont conduct aggregated fusion elections, and New York and Connecticut conduct disaggregated fusion elections.
- Dominion is approved in Vermont and New York; ES&S is approved in Oregon, Connecticut and New York; and Hart InterCivic is approved in Oregon and New York.
- All three voting system manufacturers have EAC Certificates of Conformance with VVSG, which include successful functionality testing of fusion voting, “Cross Party Endorsement, multiple parties endorsing the same candidate”.
- Michigan currently conducts elections with voting systems provided by Dominion, ES&S and Hart InterCivic and approved by the Board of State Canvassers under a 10-year contract ending in February 2027.
- All three voting system manufacturers approved in Michigan have had EAC Certificates of Conformance with VVSG, which included successful functionality testing of fusion voting, “Cross Party Endorsement, multiple parties endorsing the same candidate.”
- All three voting system manufacturers must have their voting systems EAC certified as conforming to VVSG 2.0 and approved by the Board of State Canvassers before being awarded a contract for the next voting system purchase period.²⁰ Hart InterCivic has received a Certificate of Conformance to VVSG 2.0, which included successful testing of cross party endorsement. Liberty Vote (formerly Dominion) and ES&S submitted their voting systems to the EAC for testing and certification under VVSG 2.0.

I conclude that fusion elections can be administered using the voting systems currently in use and those likely to be certified and approved under the next voting system contract in Michigan.

Will fusion voting create undue voter confusion or delay in voting?

Across all four fusion states there have been many years of experience without reports substantiating any significant voter confusion or election delays. When migrating to optical scan voting systems, Connecticut and New York had to address double voting in fusion races.

Double Voting – New York, Connecticut & Michigan

Prior to the migration to optical scan, New York and Connecticut used mechanical lever machines, which only allowed an elector to vote for a single candidate for an office where only one person was to be elected. Simply put, it was impossible to vote for more than one candidate, including when disaggregated fusion placed a candidate on the ballot two times for the same office. Optical scan does not have a similar lock out system preventing an elector from selecting more than one candidate.

When New York implemented optical scan voting in 2010, an issue arose concerning double votes for the same candidate, who was listed twice on the ballot under disaggregated fusion.²¹ Under New York law there is a valid vote when an elector double votes for the same candidate. The issue concerned which party received the credit in a double vote situation. In New York the major party received the credit. For minor parties, ballot access for the next election relies on the total vote received in the previous election. A consent agreement required reprogramming of tabulators to give notice to electors who double voted for fusion candidates before the ballots are tabulated. This second chance voting allowed electors to correct the ballot by voting for the candidate under the party of their choice.

In both states, laws and voting systems provide one valid vote for a fusion candidate when an elector votes for a fusion candidate more than once. New York and Connecticut distinguish double voting for a fusion candidate from an overvote for more than one candidate in a particular race. In double voting one valid vote is awarded, while in over voting no valid vote is awarded.

In Michigan there is one way an elector may double vote by selecting a candidate two times for the same office. Double voting would only happen when an elector fills in a bubble for a candidate printed on a ballot, then fills in the write-in bubble, and finally writes the same candidate's name on the write-in line.

Michigan law and policy on double voting described above are consistent with New York and Connecticut regarding double voting. MCL 168.799a(3) and 803 require the Secretary of State to issue instructions, to be approved by the Board of State Canvassers, on how stray marks in predefined voting areas on a ballot will be considered when determining whether a valid vote is cast. In a document issued under these provisions titled "*Determining the Validity of Ballot Markings*"²² and in the Election Officials Manual - Chapter 8: Absent Voter Ballot Processing²³ specific examples demonstrate a false overvote when a non-designated write-in of "Mickey Mouse" does not cause an overvote when a candidate listed on the ballot is also selected. Under Michigan law only designated write-in candidates, those who register in advance of an election, may have votes counted for them. Mickey Mouse is not a designated write-in candidate; therefore, write-in selections for Mickey

Mouse are not valid votes and cannot cause an overvote when another candidate whose name is printed on the ballot is selected.

This instruction would also apply to a write-in selection of the same name as a candidate printed on the ballot and selected by an elector. Voting for a candidate printed on the ballot and then writing in that candidate's name does not create an overvote. Likewise, voting twice for a candidate listed on a ballot more than one time under disaggregated fusion should not create an overvote.

Electors will experience no confusion as the voting system will ensure that only a single vote is awarded where a double vote selects the same candidate more than once.

The Loepp/Melusky Study

There is one study repeatedly cited in articles on fusion voting by Eric Leopp and Benjamin Melusky, "*Why Is This Candidate Listed Twice? The Behavioral and Electoral Consequences of fusion Voting.*"²⁴ The authors crafted a survey experiment to provide an empirical view of electors' experience with fusion voting. They aptly say the experiment "will be filling a void in the literature."

Two claims were refuted by the study:

1. Duration: it will take longer to complete a fusion ballot than to complete voting a non-fusion ballot.
2. Confusion: the voter will consider the voting process to be more complicated.

The 863 individuals randomly selected from across the country were placed in one of three groups: 1. Control with not fusion; 2. Democratic Party with another fusion party; and Republican Party with another fusion party. They were timed beginning when the ballot came up on a computer screen through their final choice for Governor/Lieutenant Governor, the only race on the ballot. Each click was a selection of a candidate with subsequent clicks changing the previous selection.

In the chart below: The timing to the first click represented the amount of time to read and understand the instructions, to review the ballot that included candidates from six political parties and to select a candidate. Total clicks are the number of times a vote is cast, including corrections. Total time is from start to finish. The timing is measured in seconds.

	Control	Dem Fusion	Rep Fusion
Time to 1 st click	15.22	16.92	14.38
Total clicks	3.10	2.99	3.08
Total Time	29.12	30.01	29.08

The authors concluded that ballot fusion did not speed up or slow down the time to the first click as each group clocked similar times. There was no significant difference between the groups in the number of clicks changing choices of candidates or between the length of time between start and finish.

Using a seven-point scale from strongly disagree to strongly agree, the individuals were asked to rate the following statements:

“The ballot is clear and understandable.”

“It was easy for me to pick a candidate.”

Individuals across the groups similarly found fusion ballots and non-fusion ballots clear and understandable. They similarly found it easy to pick a candidate. Evidence does not support any assertion that fusion ballots are more confusing than non-fusion ballots or that there is a significant “cognitive burden” to fusion ballots.

I give substantial weight to the conclusions of the Loepp/Melusky experiment. Further, the conclusions are consistent with my experience with electors’ ability to use recent election reforms implemented in Michigan.

Michigan Electors Use of Recent Reforms

Election reforms made in 2018 and 2022 empowered citizens to register and cast a ballot, making the process more accessible. The reforms expanded access by lowering the barriers to participation. Fusion voting is also an expansive reform that allows minor party electors to vote for their party’s candidates, particularly those at the top of the ticket who also may be a major party’s candidates fused to that minor party. By voting for candidates carrying their party’s name, minor party electors help their party retain ballot access for subsequent elections. Their votes may then become more than spoiler votes or worse, votes with little to no effect. Of course, minor party electors may deliver victory to their fused candidate or substantially increase the candidate’s margin of victory. Minor parties exercising fusion with major parties is an expansive change.

While change may be accompanied by some level of initial confusion, there is no indication of election reforms that have brought long term confusion to voters. Change becomes known and incorporated into the electoral processes, generally in the short term. To that point I offer the experience in Michigan over the years 2018 – 2024, a time in which extensive change was made to the electoral process and in which historic increases in voter registration and participation were recorded. I view the complexity of fusion voting to compare favorably with the reforms list below.

The expansive election reforms enacted or adopted from 2018 - 2024 include:

- Online voter registration
- No reason absentee voting
- Reinstating straight party voting
- Same day voter registration, including election day registration
- Automatic voter registration
- Drop boxes for mail ballots and free postage for returning applications and ballots
- Permanent absentee voting
- Curing signature errors on absentee ballot envelopes
- Early voting

The election reforms, except for online voter registration, were on the ballots in 2018 and 2022.²⁵ Beginning in 2018 election, a substantial increase in voter turnout began and continued through the 2024 election.²⁶

Midterm elections

2018	4,341,340	+1,152,384 increase over 2014 election
2022	4,500,400	+ 159,060 increase over 2018 election

Presidential elections

2020	5,579,317	+ 704,698 increase over 2016 election
2024	5,706,503	+ 127,186 increase over 2020 election

The reforms had a significant impact on voter registration over the same period. While Voting Age Population only increased by 199,866, active registration increased by 821,981.

Expansive reforms may confuse some but are used positively by many. Increasing registrations and turnout do not support a position that expansive change causes confusion to a level that depresses participation. These changes did not impose additional requirements on electors to register to vote or to cast a ballot. On the contrary, the 2018 and 2022 election reforms ushered in a period of Michigan’s highest level of voter turnout.

I point to the 2020 election as evidence of my conclusion. During a pandemic Michigan electors in astronomical numbers figured out how to vote by no-reason absent voter ballot – a new right adopted by the voters in 2018 and implemented for the first statewide election in 2020. In the city of Detroit where I consulted for the city clerk in 2020, the absentee vote was 68% of the total vote or 174,000 ballots.²⁷ In 2016 the absentee vote was 22% of the total vote.²⁸

In my opinion fusion voting is far less complicated than no-reason absentee voting during a pandemic.

In my opinion, based on the material in this section, fusion voting will not unduly confuse electors or delay them in casting a ballot.

Can voter education reasonably prepare the electorate for fusion voting?

In my opinion, the infrastructure is present in Michigan to provide sufficient voter education on how to vote a fusion ballot and on what fusion voting is.

Education can go a long way to focusing electors, particularly when there is a strong desire by electors to accomplish the object of the educational effort. The absentee voting during a pandemic discussed above is an example of concerted efforts in limiting conditions to communicate the necessary knowledge on a method of voting to a wide portion of the electorate. There were numerous efforts by the Secretary of State, direct mailings to electors by local clerks, untold number of political party committees, non-profit organizations and the news media to communicate with electors on the topic. The Secretary of State's Michigan Voter Information Center is a robust site for electors to learn the "how to" about voting.²⁹ The site serves as the authoritative source for all election officials, organizations and news media attempting to assist voters.

The primary educational message for electors interested in fusion voting is, "Vote for not more than 1 candidate." For all other voters who are voting in races where a fusion candidate may be on the ballot, the message is, "Vote for not more than 1 candidate." The secondary message in disaggregated fusion is the answer to the question, "Why is a candidate listed twice on my ballot for this particular office?" A straightforward answer would be, "Michigan had fusion voting until 1895 when it was banned. It is now available, allowing more than one political party to nominate the same candidate for a particular office. Each party will find some benefit in nominating a fusion candidate. The major parties may gain additional votes for their nominees, and minor parties may strengthen their party by having a viable fusion candidate on their party line."

Minor parties are well-suited to communicate with their affiliated electorate on the purpose and benefit of nominating a fusion candidate. They are stronger messengers for informing this electorate about fusion voting and the need to selection only one candidate.

The Secretary of State's office is also well suited to fashion the educational message aimed at assisting electors to properly complete their ballots and aimed at electors who are interested in the background of fusion voting. Local election officials,

political parties, nongovernmental organizations, and the media will develop their educational messages using the Secretary of State's information resources. This is the apparatus that directly and indirectly successfully assisted millions of Michigan electors navigate voting during a pandemic.

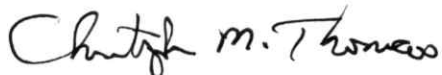
In my opinion, the educational delivery system is in place, successfully tested in difficult times, and is fully capable of preparing Michigan electors to competently cast fusion ballots.

Endnotes

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20. State of Michigan Procurement, Proposal Instructions, Department of Technology, Management and Budget – Election equipment, Hardware, Software, and Support – Request for Proposal (RFP) No. 260000000114, pp. 6, 117. Certification to EAC VVSG 2.0 required.
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I verify this report was prepared by me.



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