Final-Five Voting: Comparative Evidence on a Novel Election System

A disaggregated and comparative approach to analysing an innovative electoral model, paying particular attention to why five candidates should make it to the general election.

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Poole and Rosenthal 2016), the urgency of achieving such a change is difficult to overstate. As we will show, FFV potentially offers a powerful and achievable way to combat these ills.²

Introduction

Final-Five Voting (FFV) offers a unique alternative to the familiar model of U.S. electoral systems, in which party primaries nominate a single candidate who then competes against others in a plurality-winner general election. Under FFV, instead of each party running their own primary, a single first-round election is held for all candidates. The top five vote-getters then go on to compete in an instant-runoff general election (IRV), which requires the winner to gain not just a plurality but a majority of active votes.¹

This combination of different electoral models aims to change the logic of electoral competition. Katherine Gehl and Michael Porter designed FFV based on the theory that replacing party primaries with the top-five single ballot would give voters a greater range of choices and inject more competition into general elections. Over time, it should produce more broadly representative general election winners and, it is predicted, incentivize them to focus on solving policy problems rather than prosecuting partisanship (Gehl and Porter 2020).

Given the polarized, divided and increasingly dysfunctional nature of contemporary American politics (Drutman 2020; Jacobson and Carson 2019; Lublin 2004; Mann and Ornstein 2012; McCarty,

1. Party and Ideology in the United States

While the U.S. has had two dominant parties since 1860—the Democrats and the Republicans—their cohesion into two distinct and polarized entities with increasingly distant and uncompromising policy positions is a relatively new phenomenon. Historically, Democrats and Republicans were 'big tent' parties that brought together a grab-bag of interests and often varied substantially across states (Bensel 1984; Reichley 1992; Sundquist 1983). This meant that American congressional parties were also ideologically diverse. Until the 1990s, Democrats included a prominent southern-based conservative and moderate wing as well as its larger mainstream liberal wing, while Republicans had a sizable northern-based liberal and moderate wing along with its larger conservative wing (Gimpel and Schuknecht 2003; Phillips 1969; Rae 1989; Speel 1998; Reiter and Stonecash 2011). As a result, both parties had many members who overlapped ideologically and in congressional votes, with many Democrats voting more conservatively than many Republicans, and vice versa (Jacobson and Carson 2019; Lewis et al 2022).

¹ Since voters in the instant-runoff general election may opt not to rank all candidates, some ballots for eliminated candidates cannot be transferred to continuing candidates and are thus 'exhausted'. Under IRV, the winner will always gain a majority of active ballots.

² Gehl and Porter (2020) identify "powerful and achievable" as an evaluative framework to identify what is "doable and worth doing" in the political reform space.

These overlaps facilitated the function of the legislative process despite the increasing commonality of divided government, where one party controls the presidency and the other holds one or both houses of Congress. For example, though Democrats controlled the House of Representatives, President Ronald Reagan was able to enact key parts of his agenda thanks to the support of conservative Democrats. Even during unified government, this ideological diversity greased the policy process as parties still found it difficult to rely on their own party caucus to pass legislation.

Today, this is no longer the case. There are no Democrats more conservative than any Republicans. There is now substantial ideological space between the most liberal Republican and the most conservative Democrat (Lewis et al 2022).³ As a result, American political parties are now far more distinct and homogenous than just a few decades ago. Increasingly, they resemble the disciplined parliamentary parties found in Canada, Germany and the U.K., where defection from the party line is comparatively rare. This doesn't pose a problem for governance in countries where a prime minister can command the support of the House, but it doesn't work in the U.S. The combination of party polarization and party discipline severely impedes the compromise required to pass legislation under our separation of powers constitutional setup (Drutman 2020).

Electoral and institutional rules especially primaries—played a central role in creating this situation. They continue to incentivize polarization and noncooperation strongly over compromise.

There is no reason to expect the system to operate differently when it maintains the same set of electoral incentives. This need not be the case; elections can incentivize cooperation even as Congress continues to reflect very real differences among the American people. They can also mitigate against the roughshod majoritarianism that the Founders warned against (Madison 1787) by hampering majorities from acting based on the passions of the moment or enacting illiberal laws designed to shrink minority rights. Put more bluntly, electoral reform got the U.S. into this hole and is needed again to get it out. Handing power back to party bosses is not the answer.

But the sort of electoral system changes needed to address these problems are far more achievable than either new constitutional arrangements to accommodate parliamentary-style politics or a switch to proportional representation (PR), as some have called for (Brooks 2018; Chotiner 2020, Editorial Board 2018; Ford 2020; Ingraham 2021). Unlike proportional models such as the singletransferable vote often advocated by U.S. reformers, FFV does not require the creation of large, multi-member districts containing millions of people. Other forms of PR require voters to cast ballots for a party instead of, or in addition to, a candidate—a system foreign to the U.S. Another proposal sometimes heard is that, instead of changing electoral rules, the U.S. should abandon the separation of powers in favor of a parliamentary system like that used in the U.K. or Canada in which a party with a legislative majority governs with few constraints. Beyond being wildly unrealistic, this strikes us as

³ It's not only a matter of Republicans replacing conservative southern Democrats. The new southern Republicans were far more conservative than either the southern Democrats they replaced or Republicans as a group. The same process occurred in the North as New Left Democrats took seats held by liberal Republicans.

an unwise and far more drastic change than is needed to fix what ails the country.

There is already some evidence of Alaska's new FFV system nudging politics in a more competitive yet cooperative direction.⁴ More candidates, especially among the dominant Republicans, are entering the 2022 single-ballot primary and seeing opportunities outside the cul-de-sac of polarized politics.⁵ As Gehl and Porter (2020) predicted, this includes some committed explicitly to cross-partisanship, including candidates who had been successfully "primaried" under the old system now choosing to re-enter the 2022 race due to the new opportunities FFV is perceived to provide.⁶

2. Methodology

As FFV is genuinely new and (so far) untested, scholars have limited evidence to ascertain its likely impacts (Burden and Benjamin 2021), or finesse aspects of its design such as the idea of limiting the general election to five candidates or fewer.

In this paper, we use a *disaggregated* and *comparative* approach to analyse FFV. While FFV is novel as a way to package a primary and general election, this allows us to analyse the system based on three component characteristics:

> (1) a single-ballot primary for selecting the top five vote-getters, which also effectively operates as

the first or 'elimination' round of a two-round election;

(2) the period between the two rounds, when candidates have the opportunity to compete for votes, form alliances and build coalitions, based on political and policy affiliations; and

(3) an IRV general election, or second round, between the top five first-round candidates.

While some American states have historical experience with single-ballot two-round elections, and IRV is used for an increasing number of city and local elections (and since 2018 for nationallevel contests in Maine), the three key characteristics of FFV identified above have not been much used nor studied for partisan electoral contests in the United States. By contrast, each of these three elements has extensive use at large-scale elections in established democracies elsewhere, where they have attracted considerable scholarly study. Some of these studies have direct relevance for ascertaining the potential outcomes as well as the optimal design and operation of FFV in the United States.

Some studies, for instance, look at one or more of the intrinsic qualities held by one of the component systems from first principles, generating generalizable findings that in theory apply to any environment (Benoit 2001; Blais et al 2010; Cox 1994, 1997; Santucci 2021; Taagepera and Shugart 1989). Others look

⁴ Alaska has adopted a top-four primary, but the IRV general election will also include a write-in option, offering five rankings in all.

⁵ See elections.alaska.gov for the full list.

⁶ Former Alaska Senate President Cathy Giessel, who lost her 2020 Republican endorsement in this way, is running again, noting that "polarized political positions will not be as much of a determining factor" under the new system. She has endorsed independent governor candidate Bill Walker, and "intends to campaign as someone who can work across party boundaries" (Anchorage Daily News 2021).

at experiences of the component systems comparatively or in contexts that share important cultural, institutional and political similarities with the U.S. (Christensen 1996; Cox and Niou 1994; Cox 1996; Reilly 2018, 2021). A few do both.

Collectively, these studies provide important inductive and deductive evidence for evaluating FFV, including:

- the centripetal logic underpinning the three-component election system that drives overall politics towards consensus-building even as candidates remain ideologically distinct;
- the representativeness of a singleballot primary featuring both interand intra-party competition; and
- the validity of placing an upper boundary of around five on the number of candidates from the single-ballot primary going through to the IRV general election.

The following sections examine, synthesize and present the key findings of this literature with regards to the three characteristics of the FFV election cycle the single-ballot primary, the period inbetween the primary and the general election, and the IRV general election.

3. The Single-Ballot Primary

The party primary was originally perceived as a great democratizing reform. Instead of allowing party bosses to choose nominees, the people would vote in nomination contests. When primaries began to dominate presidential nomination contests in the 1970s, neither major party's voting coalition, and thus primary voters, were ideologically homogenous on a national level. Many conservatives voted in Democratic primaries and many liberals voted in Republican primaries. Primaries, however, played a key role in the national sorting process that gradually made both parties more ideologically homogenous.

More specifically, primaries have propelled a feedback loop that encouraged ideological conformity. As liberals gained ascendance among Democrats and conservatives did the same among Republicans, it became harder for moderate and ideologically diverse candidates to win their party's nomination. This spurred conservatives to exit the Democrats and run as Republicans, and vice versa. This process occurred even in states with open primaries, because voters increasingly voted in the primary in a way that matched their ideological and party identification.⁷ As a result, both parties' legislators gradually moved away from the center and became less appealing to a broader ideological selection of voters, which further fed the process (Barton 2022; Drutman 2020; Lublin 2004; Speel 1998).

What is the Single-Ballot Primary? FFV's single-ballot primary to choose the five best-supported candidates for the general election involves electors choosing multiple candidates by plurality rules with a single categorical (i.e., not ranked) vote.

This has certain similarities to a 'single non-transferable vote' (SNTV) electoral system—albeit applied in the unusual context of a primary rather than a general multi-seat election. SNTV is distinctive in

⁷ Party identification in the American context is the "psychological attachment to a political party" (Campbell 1960 et al). It may or may not accord with a voter's party registration.

that while always filling multiple vacancies (in this case, five), voters can choose only a single candidate, rather than having one vote per seat as usually available to them in more typical at-large elections. Since the system elects the highest-polling candidates *regardless of their vote total*, some successful candidates will likely attract far more votes than others.

While little used in the U.S., this system has an extensive history internationally (Grofman 1999).⁸ For instance, Japan used the system until 1993 to elect its national legislature— importantly, choosing mostly four or five candidates per district. Taiwan also previously used SNTV to elect most legislators, with a range from two to 27 seats per district (Cox and Niou 1994; Grofman et al 1999; Klein 2001). Along with laboratory studies of the system, these cases provide important insights into how a top-five single-ballot primary is likely to work in competitive partisan elections in the United States.

Elections Will Be More Competitive. Inductive and deductive studies of SNTV find two consistent patterns that may speak to FFV's likely effect on electoral competition. First, while smaller parties tended to *coordinate* behind one nominee, larger parties typically put forward *multiple candidates* in each district—and must navigate the balance between nominating neither too few candidates (thus missing potential winners) nor too many (and risk splitting the vote).⁹ Translated to the U.S. context, given the clear divisions between traditional and insurgent wings in both the contemporary Democratic and Republican parties, we could expect something similar to emerge in a top-five primary, with parties potentially endorsing multiple candidates and both party-registered and independent 'substitute challengers' creating new coalitions in order to compete. Alternatively, and more likely, traditional coalition building may not happen, with parties leaving it to voters to winnow an ideologically varied range of candidates who nonetheless remain affiliated to parties as a campaign signal to voters.

Because there are multiple winners, SNTV elections are less vulnerable than plurality elections to outcomes out of sync with the general voting population. When multiple candidates split votes under plurality rules, it tends to aid "the wrong" or opposing candidate. As a result, even among voters who might prefer, say, the Greens to the Democrats, most will not consider the Green candidate because it would aid the less-preferred Republican candidate (Bowler, Donovan and Van Heerde 2005; Duverger 1964; Lijphart 1994). Primaries tend to be even more vulnerable to these issues because of the absence of organizing labels within the party and the incentive to run for the nomination when a seat becomes open (Hirano and Snyder 2019; Key 1949).

Vote splitting will remain a possibility under the FFV model and in some cases candidates may still compete for best positioning. However, the consequences will not be the same because there are multiple winners in an FFV primary and

⁸ Grofman 1999 also cites the case of local elections in Alabama, where SNTV has served as a tool for racial representation of the black community. See also Pildes and Donoghue 1995; Still 1992.

⁹ In Japan, for instance, the long-ruling Liberal Democratic Party almost always put forward multiple candidates in the four and five-seat contests to balance factional interests and maximise their seat haul. As Christensen (1996: 312) notes, in such cases "large political parties must run the optimal number of candidates in each district and divide the vote equally between those candidates", and failure to do so will cost them seats.

both traditional and insurgent candidates from one or both parties can potentially make it to the general election. This makes an open, single-ballot primary a particularly important vehicle for changing the logic of U.S. electoral competition.

In addition, parties can make strategic decisions about whether it is in their interests to back more than one candidate. If they do, this is likely to encourage candidates from the same party to try to carve out their own ideological niche or geographic base in order to make it to the IRV general election. Yet, it could also encourage different candidates from the same party to campaign less roughly since they may need support from each other's voters in the general.

Maryland provides a strong example of the potential magnitude of impact that vote splitting can have in a plurality system. In the 1966 Maryland Democratic gubernatorial primary, George P. Mahoney (a populist, conservative Democrat) won the nomination with just 30.2% of the vote because Carlton Sickles (29.8%) and Thomas Finan (27.3%) split the votes of moderate and liberal Democrats (Callcott 1985). Because of this, Democrats lost the general election to Republican Spiro Agnew, then seen as a moderate Republican, who could not otherwise have won in this Democratic state. Just two years later, Agnew was sworn in as Richard Nixon's Vice President—an outcome that would have been impossible barring his accidental elevation to the governor's office.

Multiple-winner, single-ballot primaries should also encourage policy bargaining, both during and after the election process. For instance, compromises needed to pass legislation often attract criticism from party purists. The imperative to win a party primary discourages politicians from making these sorts of bargains that may alienate the party base. FFV offers a much wider firstround choice to the electorate, which mitigates the need to speak exclusively to party diehards and maximises the likelihood of intra-party conversations on policy which can then flow into the elected legislature.

Minor Parties are Not Excluded. A second important conclusion from the comparative literature emphasizes that a five-winner, single-vote contest tends to deliver outcomes "that are relatively proportional, so it serves well to ensure minority representation" (Lin 2006, 207). Mathematically, a top-five primary guarantees a slot in the general election to any candidate winning over one-sixth of the vote (i.e. 16.7%), and in practice often allows those with much smaller support levels to gain a seat—meaning candidates with around 10 percent support or less should frequently make it through, as was the case in Japan (Cox and Niou 1994; Grofman 1999; Klein 2001). Accordingly, depending on ballot access laws, we can expect third parties or independents to regularly claim a place on the general election ballot under FFV.

Because of these two features encouraging major parties to put up multiple candidates, while still providing space for minorities—deductive research predicts that a top-five, single-vote primary should, in theory, attract six "viable" candidates (Cox 1994) and across all districts deliver results that are as proportional as many PR systems (Taagepera and Shugart 1989, 170; Cox 1996). This is an important finding for FFV, because it suggests that, in the long-run, a first-round primary selecting five candidates should in the aggregate (i.e. not necessarily in every district) produce a diverse and broadly representative candidate sample for the general election, while not overwhelming voters with an unconstrained set of choices.

Five is a Sweet Spot. These studies also make relevant the findings of Carey and Hix (2011): that electing five candidates per district represents an "electoral sweet spot" in PR elections. While examining proportional rather than single-winner elections, their argument rests on the balance between representation and accountability in multi-winner electionsand thus also applies to the single-ballot primary under FFV. In terms of representation, they found that, "increasing the district size from one to around five reduces disproportionality and the ideological distance between the median citizen and the median government party" but going beyond six does not improve representation much further. On the accountability side, similarly, increasing the number of seats chosen from one to five increases the number of competitive parties without encouraging splinter groups. One could imagine similar forces working in the FFV primary to create a healthy mix of policy positions and minor and major party candidates.

Again with the caveat that they are writing about PR general elections rather than a top-five single-ballot primary, Carey and Hix (2011: 395-6) also found that a district magnitude of five, "simultaneously fosters inclusiveness and limits the political unruliness of ... party system fragmentation and coalition complexity" as "elections work best when they offer opportunities for multiple winners, and thus afford voters an array of viable options, but at the same time do

not encourage niche parties or overwhelm voters with a bewildering menu of alternatives." While not a PR election, a first-round FFV structure appears to fulfil these requirements and thus balances diversity with facilitating choice and government coalition formation. These findings complement the experimental work of Cunow et al (2021: 9) that "sometimes, less is more": As candidate numbers rise, voters increasingly fall back on short-cuts such as party label, appearance and even ballot order to make their choices, a process that begins to appear even when the number of candidates increases from just three to six.

4. The Period between the Primary and the Instant-Runoff General Election

A distinctive aspect of FFV voting is that it features two rounds of voting in which all electors can take part—the top-five single-ballot primary, and the November instant-runoff (also called ranked-choice voting) general election, separated by a period of months in between. Given this, the first election is no longer a pure "primary" designed to select party nominees. Rather, it becomes more of a winnowing, or first-round, election.

Analogous "two-round" electoral systems have attracted much attention from scholars, often looking at the case of France, which has used a single-vote tworound system for presidential and legislative elections for many years.¹⁰ Scholars typically see this system as sharing some features with IRV, by, for instance, encouraging candidates to broaden their support base in search of a majority and limiting the impact of vote

¹⁰ Both presidential and legislative elections are won in the first round if a candidate gains a majority.

splitting. Winning candidates in two-round systems also need to appeal to a majority of voters, so they often have an incentive to seek the support of voters who initially favored someone else (Colomer 2004).

Two-Round Majority Elections Can Counter Extremism. Because two-round elections allow diverse interests to coalesce behind qualifying candidates in the second round, moderates who have more coalitional appeal than their more extreme counterparts tend to be advantaged. André Blais et al (2007), after arranging several experimental elections, concluded that extremist right and leftwing candidates have no chance of winning election under a majority tworound system. Similarly, Giovanni Sartori (1994) argues that a two-round system prevents the election of "anti-system" candidates who may command plurality support but are disliked by an absolute majority.

This same logic was employed in 1924 when Arkansas adopted its two-round primary. Arkansas' reform was a reaction to the rise of the Ku Klux Klan meant, "to consolidate anti-Klan voters behind a more moderate candidate in a second primary,"¹¹ preventing candidates who could not win a majority from gaining a nomination or election by plurality.

However, the American South also provides a cautionary tale and a reminder that no election system exists in a vacuum. In 1967, thanks to careful gerrymandering and a two-round primary, Mississippi's plurality Black winners lost battles for the then-critical Democratic state legislative nominations (Parker 1990). While FFV encourages candidates to appeal beyond a narrow party primary electorate even in districts manipulated to favor one party, it only changes how people are elected, so issues such as repressive and anti-competitive gerrymandering will remain concerns.

The tendency towards moderation and bargaining in two-round contests is much less evident if the first-round election shows a dominant or outright winner. If the general election result is already clear from the primary or first-round results, then many of the incentives which greater competition instils will be lacking. This highlights the need for more competitive districts and the importance of independent redistricting as complementary reforms to FFV.

Nonetheless, a second round of voting almost always encourages some level of bargains and trade-offs between parties and candidates. Sartori (1994, 63-4) particularly praises the two-round system's "intelligent choosing" design and "two-shot" nature, which enables voters to have a second choice or even change their mind between the first and second round. This same conclusion applies even more strongly to FFV, given the ranked nature of the general election ballot which allows voters a much more sophisticated expression of their political preferences than a single categorical choice.

¹¹ "The rise of the Ku Klux Klan in the South spurred interest in the runoff provision in at least one state as a way to consolidate anti-Klan voters behind a more moderate candidate in a second primary. If nominations were made simply by plurality vote, a candidate relying on the solid support of the Klan (or some other extremist group) could conceivably snatch victory from the hands of a crowded field of contenders—including some candidates more widely acceptable to the electorate—with only a small percentage of the total vote." (Bullock and Johnson 1992, 6).

Two-round, runoff elections remain problematic. Runoffs do not prevent the number and the type of candidates who run from having an enormous influence on the sorts of candidates who advance to general elections. Real contests from around the globe demonstrate how the number and the type of candidates who run can result in quirky, less than ideal second-round choices, or even leave voters with two relatively extreme candidates that are unacceptable to a majority.

In France in 2002, a plethora of left-wing candidates led to extreme right candidate Jean-Marie Le Pen edging out Socialist Lionel Jospin for the second spot in the runoff. Jacques Chirac, who had been expected to face a tough contest in the second round, sailed to victory with 82 percent of the vote. Though this provided a clear mandate from the French people against Le Pen's platform, it also denied them a more meaningful contest.

France nearly faced a far more disastrous situation in the more recent 2017 election. The votes for the top four candidates in the first round were tightly clustered. Extreme right candidate Marine Le Pen made it to the runoff with just 21.3 percent. Like her father, Le Pen lost the second round in a landslide to Emmanuel Macron, who won just 24.0 percent in the first round. But it is possible that extreme left candidate Jean-Luc Mélanchon, who came in fourth with 19.6 percent, could have made it to the runoff with Le Pen, leaving France with two choices each deeply unpalatable to most voters.

Unfortunately, both Peru and Chile have faced this exact outcome in recent presidential elections. In 2021, far-left candidate Pedro Castillo and populist-right candidate Keiko Fujimori made it to the runoff with just 18.9 percent and 13.4 percent, respectively. Later in the year, the same thing happened in Chile with farright candidate José Antonio Kast making it to the runoff with 27.9 percent along with far-left candidate Gabriel Boric on 25.8 percent. In both cases, vote splitting among several more centrist candidates helped propel the more extreme candidates into the runoff.

Closer to home, we have seen quirky outcomes in California's top-two singleballot primary, which also functions as a two-round election. Unlike in most other states, there is no party primary. Instead, all candidates compete in the first round with the top two moving on to the general election (i.e. second round) even if one candidate gains a first round majority. Occasionally, we have seen outcomes where a surfeit of candidates for the party for whom the district is normally safe allows two candidates from the other party to make it to the general election.

There are few key lessons to draw out from these examples and those of the previous sub-section. First, candidates who present a similar ideological profile may crowd each other out, to the advantage of other types of candidates. Second, there is no evidence that plurality elections, used in most of the U.S. for primary and general elections, undercut polarization. Studies indicate that the runoff approach taken by California has not either (McGhee and Shor 2017; but cf. Grose 2020). Besides being vulnerable to quirky outcomes that leave runoff voters with one, or even two, very unpalatable choices, the system discourages reaching out to the middle because of the need to consolidate base support to make it to the runoff.

Two-Rounds with Five Second-Round Candidates Should Lead to Better Outcomes. Final-Five Voting offers to be a considerable improvement on both plurality and runoff approaches, especially in conditions of polarized politics, for several reasons. Precisely because more candidates can make it to the second round, it is far less vulnerable to either guirky outcomes or the exclusion of major ideological or identity groups. While a bunch of centrists may still split the vote, it is far less likely that no centrist makes it to the general election. That could even prove an advantage in the ranked-choice runoff as it makes it easier to gather the high rankings critical to rising to the top of the pile. At the same time, it doesn't prevent strong left or right candidates from winning when they reflect the dominant viewpoint in their districts. Indeed, it makes it more likely that a range of candidates will have the opportunity to make their cases to voters in the second round.

It also eliminates the imperative to move away from the center and towards the extremes as is currently driven by party primaries. Rather than having to appeal solely or predominantly to more hard-line voters, it is more important to cultivate an ideological and personal profile that is sufficiently broad to make it through to the runoff. Even for ideologically strident candidates, this greatly changes incentives during campaigns and, we can expect, in governing (Gehl and Porter 2020). Strong progressives and conservatives will still want to reach out to the center to improve their chances in the IRV election. In a heavily Democratic (or Republican) district, a very strong liberal (or conservative) should still want to reach out to mitigate the threat of an electable candidate emerging on the other side.

In France, it is sometimes said that in the first round you vote with your heart, and in the second you vote with your head. Could the same aphorism apply to Final-Five Voting? With no limits on the number of candidates competing for the final five slots, there is less reason for voters to truncate their preferences and vote strategically, as occurs regularly in plurality elections. The primary election will also reveal important information about which candidates can attract sufficient support to make them viable contenders for victory at the general election. This information is likely to open new calculations and opportunities for challengers as well as incumbents. In particular, the regular temporal gap between the primary and the November general election will take on new importance for coalition-building under FFV, similar to the interregnum between the first and second rounds of voting in a two-round system, but with voters and candidates having more options.

These new coalitions are likely to occur not just within but also potentially between parties, depending on the results of the primary election. For instance, moderates from both parties may find they have more in common on some policy issues than they do with more hard-line members of their own parties. Third parties and independents may similarly find common cause with some major party representatives, and with each other. All of this provides the basis for dialogue and negotiation in the period between the primary and the general election. The fact that the second round of voting is then held under IRV, which also encourages inter-party bargaining (as discussed below), further strengthens this aspect of FFV.

5. The Instant-Runoff Voting General Election

A final line of comparative inquiry comes from the growing use of instant-runoff voting in the United States and also from comparative cases such as Australia, which has the world's longest experience of IRV systems—some examples of which in practice resemble FFV.

IRV general elections can lower polarization by encouraging inter-party coalition-building. A hallmark of IRV in Australia has been the centrist influence it exerts on office-seekers, with frequent convergence on policy positions by the two major parties—one reason that polarization is much lower compared to the United States, despite other similarities (Reilly 2018). With smaller parties positioned on their flanks to their left and right, the two main Australian parties typically compete for the political center, as extremist position-taking risks alienating supporters of other parties and thus losing potential rankings from excluded candidates.¹² This centrist spin has been one of the most distinctive longterm aspects of Australian IRV (Graham 1962, Reilly 2001), contributing to the system's legitimacy and stability. One reason for this is that IRV has been found to offer political rewards to both major parties—who benefit from the flow of preferences from smaller parties — and small parties/independents—giving them the ability to influence the policy directions of the larger ones by this same process (Reilly 2021). While the major parties still differentiate themselves on policy, they tend to do this strategically rather than ideologically. They need to maintain substantive differences if only to avoid being overtaken by more ideological challengers.

This doesn't mean that Australian campaigns are polite, milquetoast affairs. Australian politicians regularly go after their political adversaries on the other side of the political spectrum and attempt to define them in ways that will cost them support. At the same time, it results in less policy extremism and avoids the disincentives to compromise that are characteristic of American party primaries. The adversarial theatre of Australian politics is underpinned by high levels of policy convergence on most issues, the result of a system which rewards targeting the political center, where most voters are located. Despite hard-fought and often very close election campaigns, government and opposition are more able to engage in compromise than their American counterparts, notwithstanding operating in more adversarial parliamentary system that gives greater powers to government majorities.

During campaigns, parties attempt to steer how voters rank candidates by distributing "how to vote" cards suggesting particular ranking orderings, and also negotiate with each other over these deals: "Every Australian election is preceded by an intense period of bargaining between the parties as to how they will advise their supporters to rank opposing candidates (Farrell and McAllister 2005, 89)." Like the gap between a first and second round of an election discussed earlier, such 'bargaining arenas' can create space for more substantive discussions on policy matters as well. FFV's combination of both a two-round election and IRV should

¹² An illustration is the meager lower house electoral fortunes of the extreme right-wing One Nation party, which regularly gains about 10 percent of the vote but receives few reliable preference flows from supporters of other parties. See Reilly 2018.

thus present multiple opportunities for inter-party coalition-building and dealmaking before candidates reach office, offering the basis for creative problemsolving after candidates are elected and in government (Gehl and Porter 2020).

New South Wales offers some 'proof of concept' for the viability of five-candidate IRV elections in a relevant comparative case. New South Wales (NSW), Australia's largest and oldest state, offers a particularly relevant comparative case for FFV, for several reasons. First, unlike most other Australian jurisdictions, it uses the same 'optional preferential' form of IRV that is the standard for American elections.¹³ Second, in the 40 years since this system was introduced, candidature in general elections has maintained a relatively consistent average of 5.3 candidates per district. Third, the system has generated multiple examples of coalition-building between parties, including the formal governing coalition between the Liberal and National parties (on the political right), and informal electoral coalitions between the Labor and Green parties (on the political left). These "issue coalitions" are also a likely outcome of FFV in the United States. weakening the adversarial grip of twoparty politics.¹⁴

NSW elections thus provide a glimpse of how a system like FFV can work in practice in a two-party, bicameral democracy not unlike the United States. The two main parties, one center-right and one centerleft, are flanked by smaller parties to their right and left. Supporters of these smaller parties often use their rankings to indicate which of the two large parties would be their second choice, thus negating the "spoiler problem" that often afflicts supporters of third parties in the United States. A typical five-candidate general election would include candidates from both major parties as well as minor parties and often an independent. A survey of the 2015 NSW election found that around half the electorate used multiple rankings while the other half ranked only one candidate (Green 2015), a similar pattern to that seen in Maine's 2018 IRV elections.¹⁵ Consistent with the widespread support for IRV in Australia (Farrell and McAllister 2005), there is particular backing for the NSW version of the system amongst both the general public and electoral experts (Hughes 1990, 141; Reilly and Maley 2000; Green 2020).

With IRV elections, more candidates leads to more errors. Australia also provides some notes of caution, with evidence that as candidate numbers rise above five or six, so do increases in mistakes and invalid voting under IRV. Research from Australian federal elections (which not only require hand-numbering of rankings on a ballot paper, but make these compulsory) found that over the 1990-96 period, with an average of between five and six candidates per district, invalid voting rates remained stable at around 3 percent. Once average candidature increased to seven (post-1998), this invalid voting rate jumped to 5 percent, a 60 percent increase. One-off cases since then of extremely high candidature in individual seats confirm this pattern, resulting in (for example) 9 percent of all

¹³ As opposed to the 'full' preferential system used in most other Australian jurisdictions which makes it mandatory for voters to rank all candidates.

¹⁴ In NSW elections have occasionally led to governing coalitions between major parties, minor parties and independents as well, such as the 1991 Greiner minority government.

¹⁵ Thanks to Antony Green for the data on NSW average candidate numbers. For Maine, see Alvarez-Rivera 2018.

votes being declared invalid, mostly due to numbering errors, in a 2009 special election featuring 22 candidates (Green 2020).

Two countries that use the proportional form of IRV to elect their lower house of parliament—Ireland and Malta—also have no districts larger than five, as does the proposed Fair Representation Act for the U.S. Congress. Limiting the number of seats tends to reduce the number of candidates, as described above, making it easier for voters to assess and rank candidates (Bowler and Grofman 2000). Just as voters in these countries manage to order their preferences and rank their top choices in a meaningful way, so to should American voters should have no problem ranking among five choices. Americans also elect far more officials than other countries, suggesting the wisdom in limiting the second-round choices to five in order to make sorting through and ranking candidates easier. In Alaska and other proposed versions of FFV, voters can also opt to rank as few candidates as they prefer—including just one. Leaving it up to the voter should limit unease over having to rank candidates who are unknown to the voter and address a concern that sometimes comes up in Australia regarding "donkey votes," in which the voter simply ranks the candidates in their order on the ballot (Orr 2002).

These findings complement the now extensive body of research echoing Miller's (1956) foundational insight that individuals can cope with up to around seven discrete choices, but much more tends to overload cognitive capacity. Multiple studies of elections, for instance, find that beyond an upper limit of around five or six (and sometimes even fewer) choices, voters tend to feel overwhelmed by choice; make more errors; invest less in learning about candidates and their policies; and tend to fall back on meaningless information short-cuts to decide their vote instead.¹⁶ Although these types of studies typically look at multi-choice election races, they apply equally to a general election in which rankings will be used to determine a single winner.

U.S. studies of IRV have also confirmed the link between voter and ballot 'exhaustion' as candidate numbers rise (Burnett and Kogan 2015). Emerging practice on IRV election administration increasingly limits the number of rankings offered to voters, while leaving the number of candidates unlimited. The Center for Civic Design (2018, 4-5), for instance, recommends limiting the number of rankings offered by jurisdictions introducing IRV, as few voters wish to rank more than six candidates. This advice also conforms with the practical application of IRV in large city elections in San Francisco, Minneapolis, and New York, each of which have offered a limit of between three and five rankings on the IRV ballot, in part to satisfy the requirements of mass elections using voting machines.¹⁷ The FFV model takes this a step further, using the two-part election to create a competitive list that is then limited to five candidates. The ballot paper for the "Final-Four" Alaskan

¹⁶ Carey and Hix (2011, 2013); Laslier et al (2016); Cunow et al (2021).

¹⁷ While San Francisco has a three-choice limit, the recent IRV election in New York had a five-choice limit on the ballot. An exit poll found most voters used their rankings, with 83% of voters ranking at least two candidates in the mayoral primary. In addition, 42% of voters ranked all 5 candidates, with 43% of black voters, 40% of Hispanic voters and 45% of white voters ranking all 5 candidates. In total, 95% of NYC voters found their RCV ballot simple to complete, a finding which crossed age and ethnic lines. See Common Cause 2021.

elections in 2022 will also offer a total of five ranked choices—the four most popular candidates from the first-round primary, and a write-in option.¹⁸

Concluding Analysis

FFV offers very different incentives for voters and candidates than the singlewinner primary followed by plurality vote model which currently prevails in much of the United States. It reduces the spoiler effect and simultaneously encourages candidates to appeal to the supporters of other candidates rather than writing them off. It offers particular promise for combating the gridlock and dysfunction associated with the polarization that has overtaken American institutions. FFV portends new avenues for electoral victory (by creating multiple opportunities for bargaining and potentially coalitionbuilding between the primary and general election) and may change governing outcomes (by ensuring the winner is elected by an absolute majority and making it more likely they will appeal and act in the interest of a wider range of voters).

As Gehl and Porter (2020) emphasized in their foundational work, this has the potential for a systemic step-change, increasing the likelihood that these same deal-making, problem-solving behaviours will be evident in government as well. But for these benefits to manifest in the election and governing arenas, there is a trade-off between encouraging new entrants and manageability. Just as voters need a finite number of choices to express their preferences effectively, the kind of political compromise and pragmatism necessary to reverse the decline of American government faces what Richard Pildes (2014: 832) calls "a numbers problem: negotiations between three to five leadership figures are easier to conduct than hydra-headed negotiations in which new factions or individuals pop up."

While there is ultimately no magic or "right" figure, the comparative evidence examined in this paper suggests that a five-candidate election makes sense. Examination of the component elements of FFV in other jurisdictions shows many choosing from around five candidates, regardless of any formal restrictions on numbers. Comparative examples and experimental research both emphasize how "less is more" when it comes to electoral choices. In addition, the emerging standards for IRV elections in the United States seem to be converging towards offering around five ranked choices. Indeed, it is striking how often the idea of five options, more or less, reappears in different countries and contexts, as a "sweet-spot" in electoral system design. We thus conclude that this model offers real promise as an achievable and consequential reform to the American electoral process.

¹⁸ See an Alaskan demonstration ballot at https://www.elections.alaska.gov/doc/GenRCV_BallotSamp3.pdf.

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