

Supplemental Notes to Lecture 9: The American Duopoly



I. The Enduring Power of the Duopoly

The American two-party system, which is a rarity among the world's democracies, has been described by some political scientists as a duopoly.

Now when used in the sphere of economics, a duopoly refers to a situation in which two suppliers (e.g., Apple and Google) dominate the market for a commodity or service (e.g., app stores and operating systems for mobile phones).

A duopoly thrives when the market demand is strong, particularly when the commodity or service is essentially regarded as a necessity.

If the two-party system is likened to a duopoly, and the Democrats and Republicans are the two suppliers, then what is the commodity or service that they provide?

One possible response to that question would be to say that the two major parties offer political representation to all citizens, in order to serve their socioeconomic and cultural interests.

And it's certainly true that our two major parties dominate this "market," in the sense that voters seeking such a service seem to have nowhere else to turn.

But *how* has the Democratic-Republican duopoly managed to endure for so long without serious challenge?

We saw in Lecture 9 that the single member district system and gerrymandering have proven instrumental in sustaining and strengthening the duopoly.

Let's now briefly examine four additional factors.

1. Complex ballot regulations are drawn up on the state level.

For every presidential election, third parties have to spend an inordinate amount of their precious resources on petition drives in their attempts simply to get onto the ballot in all fifty states.

Those of you who voted in Tennessee last November noticed that the Green Party actually made it on the ballot, though it did not in the key battleground state of Pennsylvania, thanks to successful state Democratic Party efforts to limit voter choice there.

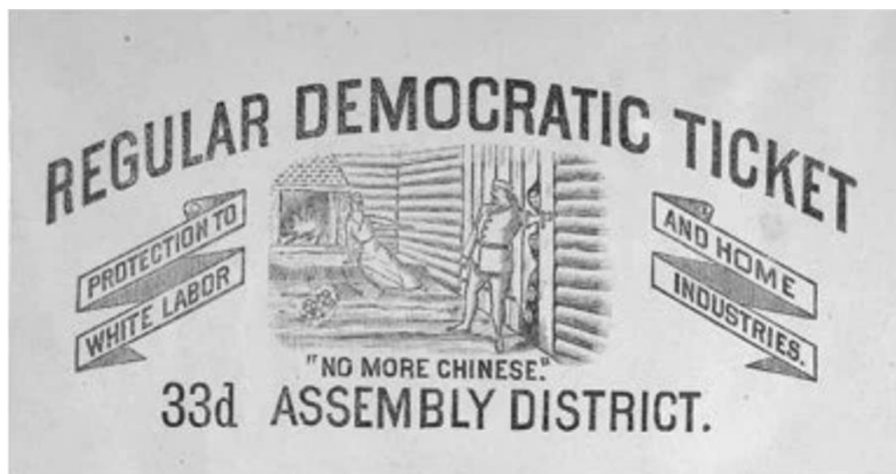
You will also have noticed that Kayne West, the presidential candidate of the so-called Birthday Party, also managed to get on the ballot in Tennessee, though he achieved this feat in only eleven other states.

Meanwhile, the two major parties have permanent positions on the ballots in every state.

It should be pointed out that the introduction of uniform, printed state ballots in the late 1800s was intended to end corrupt voting practices, which were indeed pervasive at the time.

That is, it was not until the late nineteenth century that the US adopted voting procedures that we take for granted today: namely, providing official, government-issued ballots at polling places, where voters mark them in secret.

Prior to the enactment of this reform, parties were allowed to print and distribute their own party tickets to voters entering various, unregulated locations, and the colorful, decorative ballots often featured propagandistic images on the front and back.



2. *The Electoral College*

Another institutional factor that works against third-party or independent candidates when it comes to presidential elections is the Electoral College.

In every state except for Maine and Nebraska, the candidate who wins a plurality of the popular vote wins all the state's electoral votes, which provides us with another example of the shortcomings associated with the winner-take-all system.

For example, Trump won Tennessee's popular vote last November by an almost 2:1 margin. However, the Electoral College does not use a proportional system, which meant that Biden received zero electoral votes. So how then does the Electoral College reinforce the two-party system? Unless a third-party or independent candidate has an extremely strong base of support in one particular state or region, they will receive zero electoral votes, even if they win a sizable number of popular votes, as Ross Perot did in the 1992 election.

			
Nominee	Bill Clinton	George H. W. Bush	Ross Perot
Party	Democratic	Republican	Independent
Home state	Arkansas	Texas	Texas
Running mate	Al Gore	Dan Quayle	James Stockdale
Electoral vote	370	168	0 ←
States carried	32 + DC	18	0
Popular vote	44,909,889	39,104,550	19,743,821
Percentage	43.0%	37.4%	→ 18.9%

In fact, it has been slightly over half a century since a Third-Party presidential candidate won a single electoral vote. The last one to do so was American Independent Party candidate and former Alabama Governor George Wallace. Campaigning in 1968 on an explicitly segregationist platform, Wallace won 42 electoral votes and five southern states, though not Tennessee.

Periodic calls to abolish the electoral college, usually made by some when their favored presidential candidate wins the popular vote but loses the election, are understandable but misplaced and unrealistic. A much more viable plan would be to reform the electoral college so that electoral votes are awarded in all fifty states on a proportional basis. That way, there would be no *battleground states*.

We'd then have a situation in which parties, including third parties, would have more of an incentive to try to increase turnout everywhere, and voters living in so-called safe states might feel more motivated to go to the polls, knowing their votes actually matter. In such a scenario, the number of popular votes a candidate receives, for example, in Tennessee, *would also count toward their electoral vote total*, even if they lose the state.

For that reason, it would matter greatly if a candidate defeated in Tennessee won twenty, thirty, or forty percent of the vote, which is why candidates would attempt to get as many votes as they could *in every state*.

3/4. Campaign Financing and Presidential Debates.

The third and fourth explanations for the enduring power of the Duopoly are interrelated, in the sense that they both indicate how certain rules are designed to undermine third parties through a process we'll refer to as a Catch-22, the title of a 1961 Joseph Heller novel about World War II that was recently adapted into a six-part Hulu series directed by George Clooney.



A Catch 22 has entered our language as a term that describes a situation in which the only solution to a problem is kept beyond our reach, by circumstances that have created the problem in the first place.

For example, consider the fate of a job applicant who is told that they won't be hired for a specific position unless they have a certain amount of experience, which can, however, only be gained if they land that very job. The unfortunate individual would find themselves in a Catch-22.

We can see this dynamic at work with regard to both the public financing of electoral campaigns and the rules governing the Commission on Presidential Debates.

That is, a candidate seeking office is not eligible for public financing, which can be essential if that candidate or party is not relying on the backing of large financial donors, unless they win at least 5 percent in a previous election.

But without having enough money to publicize a campaign, it can be extremely difficult for a third-party to generate enough attention to capture five percent of the vote.

In short, the best way for a third-party to reach 5 percent is for it to receive public financing, but that's not available unless it wins 5 percent of the vote. We thus have a Catch-22.

This perverse logic is also at work with regards to regulations established by the Commission on Presidential Debates, or CPD.

The CPD was established in 1987, the product of negotiations that took place between Democratic and Republican party leaders.

Since its inception, the CPD has ruled that a candidate must poll at 15 percent or higher in five different national surveys in order to be allowed to participate in a presidential debate.

We see here another Catch-22, in the sense that the best way for a new party or candidate to reach that 15 percent threshold would arguably be to take part in a nationally televised presidential debate.

To date, attempts to change the rules through the courts have failed. For instance, before the 2016 election, Libertarian Party presidential nominee Gary Johnson sued the commission and the two major parties.

Citing antitrust laws, Johnson argued that debate access should be granted to all candidates who appear on enough state ballots to mathematically win the election.

But a US District Court dismissed Johnson's suit, and a D.C. Appeals Court in 2017 upheld that dismissal.



II. At a Glance: The Rise of the Single Member District System

In Lecture 9, we quoted political scientist Lee Drutman, who, points out that there is “nothing in the Constitution [that] requires a two-party system, and nothing requires the country to hold simple plurality elections.”

Well, what *does* the Constitution have say about congressional elections? Section II of Article 1 states that "the House of Representatives shall be composed of Members chosen every second year by the People of the several States . . . Representatives . . . shall be apportioned among the several States which may be included within this Union, according to their respective Numbers."

In other words, each state is allotted a particular number of representatives, based on its population.

Note that the Constitution does not specify *the manner by which* representatives are to be either apportioned or chosen by the people; that is, the Framers did not lay out *how* elections were to be held.

For that, we have to refer to a series of laws passed by Congress, starting in 1842 and culminating in a piece of 1967 legislation that explicitly required all states to have single-member districts.

And what set of historical circumstances led to such a federal mandate in 1967?

The primary impetus for its passage was the fear that southern states might attempt to undermine the 1965 Voting Rights Act by holding so-called at-large congressional elections, in which representatives are voted into office on a statewide rather than district basis.

Supporters of the 1967 mandate anticipated that black American candidates who would be expected to win certain districts encompassing specific geographic regions would lose at-large elections, in which the entire population of, say, Georgia, voted for *all* of the state's representatives.

In other words, the 1967 mandate was designed to ensure that congressional districts with large minority populations would receive political representation, something much less likely to occur if all congresspersons in the state ran in at-large elections.

Nevertheless, over the last fifty-years, the single member district system has produced unintended and far-reaching consequences. Namely, it has created in all 50 states a power sharing scheme that systematically excludes any candidate who runs neither as a Democrat nor as a Republican.

Nevertheless, defying the odds but welcoming the publicity, Andrew Yang recently announced the creation of a new party, called the Forward Party, as discussed in one of this week's Supplemental selections.

The following quote from Yang's political blog provides you with a preview of *Business Insider's* report on the Forward Party. As Yang puts it: "I believe I can reach people who are outside the system more effectively. I feel more . . . independent. Also, on a personal level, I'll admit there has always been something of an odd fit between me and the Democratic Party. *I'm not very ideological. I'm practical.*" [emphasis added]

Quiz Question 5: What is one possible benefit that could come from reforming the electoral college so that electoral votes are awarded in all fifty states on a proportional basis during a presidential election?

Quiz Question 6: Let's imagine we are visiting Nashville, Tennessee on October 7, 2024 for a presidential debate at Vanderbilt University, sponsored by the Commission on Presidential Debates.

Three days earlier, five national polls were released, all of them showing exactly the same results, which are as follows:

DeSantis (the Republican nominee): 29%

Harris: (the Democratic nominee): 27 %

Christine Todd Whitman, the nominee of the American Renewal Party: 17%

Andrew Yang, the nominee of the Forward Party: 15%

Jo Jorgenson, the nominee of the Libertarian Party: 8 %

Nick Brana, the nominee of the People's Party: 4%.

According to the long-established rules governing the Commission on Presidential Debates, which candidates would be eligible to participate in the debate? Why would some be excluded?

Quiz Question 7: In your view, did Andrew Yang chose an effective name for his new party, which is called, “The Forward Party”? Briefly explain why or why not.