

ASSOCIATIONAL PARTY-BUILDING: A PATH TO
REBUILDING DEMOCRACY

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This Piece argues that Americans need to shed their anti-partyism and take a second look at parties: Political parties are the only civic associations with the capacity to organize at a scale that matters and the only intermediaries that both communicate with voters and govern. The Piece, however, advances a fundamentally different orientation to party reform—one that pushes beyond a view of parties as vehicles for funding elections, policy-demanders, or heuristic brands. Instead, it offers a conception of party strength that emphasizes political parties as organizations, and it offers a blueprint for party reform that emphasizes strengthening the organizational and associational features of political parties. Finally, the Piece offers strategies for associational party-building that do not depend on federal legislative intervention—or any legislative intervention. Throughout, it grounds the theoretical intervention in empirical evidence from recent trends in state and local party-building to show that associational party-building is a feasible direction for party reform. In sum, it explains why Americans need strong parties, how we should conceive of them, and how we might get there.

INTRODUCTION

The prospects for comprehensive federal political reform are dim. Congressional efforts to pass legislation protecting voters and elections failed dramatically in the winter of 2022, leaving intact recent Republican state legislation that restricts voting access and provides more opportunity for partisan interference in elections.¹ Meanwhile, the risks of democratic subversion are real, especially since the current Supreme Court has made it clear that it is disinclined to intervene to increase ballot access, limit political entrenchment, or restrict the influence of money on elections,

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1. See Carl Hulse, *After a Day of Debate, the Voting Rights Bill Is Blocked in the Senate*, N.Y. Times (Jan. 19, 2022), <https://www.nytimes.com/2022/01/19/us/politics/senate-voting-rights-filibuster.html> (on file with the *Columbia Law Review*) (discussing the failure to pass legislation to protect voting rights against state legislation restricting those rights).

even through disclosure regimes.² And yet, while the congressional failure to enact comprehensive federal election reform is disappointing, it also provides a unique opportunity to fundamentally reconsider the goals for democratic reform and the strategies to achieve them.

Myriad electoral and political realities present obstacles to good governance—from the unrelenting flood of money into politics to the flurry of legislation curtailing voting access and extinguishing party competition.³ Recent attacks on the integrity of election administration and record levels of partisan polarization further compound these obstacles.⁴

The recently defeated procedural reforms to federal elections, however, would have only addressed a portion of those problems to *some* degree. The defeated Freedom to Vote Act expanded voting access through provisions such as automatic and same-day registration, vote-by-

2. See *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321, 2344–45 (2021) (describing the burdens placed on voting access by an Arizona law as “unremarkable”); *Rucho v. Common Cause*, 139 S. Ct. 2484, 2503–05 (2019) (finding “slight anecdotal evidence” insufficient to form the basis for finding “unconstitutional partisan gerrymander[.]”); *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 371–72 (2010) (striking down congressional effort to reduce the influence of money in electoral politics by limiting corporate electioneering expenditures); *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 203–04 (2008) (holding that Indiana’s abstract interest in reducing voter fraud was sufficient to overcome possible partisan motivations for adoption of voter identification requirements).

3. On partisan election administration, see, e.g., States United Democracy Ctr., Protect Democracy & Law Forward, *A Democracy Crisis in the Making: How State Legislatures Are Politicizing, Criminalizing, and Interfering With Election Administration* 6 (2021), <https://statesuniteddemocracy.org/wp-content/uploads/2021/06/FINAL-Democracy-Crisis-Report-April-21-1.pdf> [<https://perma.cc/KNU2-EC8H>] (describing state-level efforts to increase partisan oversight of election administration); Will Wilder, Derek Tisler & Wendy Weiser, Brennan Ctr. for Just., *The Election Sabotage Scheme and How Congress Can Stop It* 2 (2021), <https://www.brennancenter.org/our-work/research-reports/election-sabotage-scheme-and-how-congress-can-stop-it> [<https://perma.cc/J7VS-GJB2>] (emphasizing the threat of election subversion at the state level). On competitiveness, particularly in the House of Representatives, see Lee Drutman, *What We Lose When We Lose Competitive Congressional Districts*, *FiveThirtyEight* (June 23, 2022), <https://fivethirtyeight.com/features/what-we-lose-when-we-lose-competitive-congressional-districts/> [<https://perma.cc/B6VL-AUSC>] (“[R]epresentatives increasingly face strong pressures to be very partisan, which has made governing difficult.”); see also Susan Davis, *U.S. House Loses More “Swing” in 2022*, *NPR* (May 29, 2022), <https://www.npr.org/2022/05/29/1100980188/u-s-house-loses-more-swing-in-2022> [<https://perma.cc/N9SS-6HYZ>] (quoting Kelly Burton, president of the National Democratic Redistricting Committee, as saying that the absence of party competition “decreases the willingness and likelihood of two sides coming together to solve problems and skews the incentive structure for our elected officials much more toward the extremes than toward the middle”).

4. See Jeffrey M. Jones, *Trump Third Year Sets New Standard for Party Polarization*, *Gallup* (Jan. 21, 2020), <https://news.gallup.com/poll/283910/trump-third-year-sets-new-standard-party-polarization.aspx> [<https://perma.cc/KZG4-SX8W>] (summarizing Gallup polling information indicating polarization has reached record levels); Jim Rutenberg, *The Attack on Voting*, *N.Y. Times* (Sept. 30, 2020), <https://www.nytimes.com/2020/09/30/magazine/trump-voter-fraud.html> (on file with the *Columbia Law Review*) (detailing various allegations of election fraud in the 2020 election).

mail, and the establishment of Election Day as a federal holiday.⁵ It also established voting protections for formerly incarcerated citizens and criminalized conduct that interfered with voter registration.⁶ Meanwhile, the John Lewis Voting Rights Advancement Act would have restored provisions of the Voting Rights Act (VRA), thereby strengthening voter protections in areas with a history of discriminatory practices.⁷

While important, these failed reforms were not a panacea. Moreover, there was always an appreciable risk that courts would have struck down significant parts of the Freedom to Vote Act and the John Lewis Voting Rights Act as beyond Congress's regulatory purview. Congress tried to mitigate that risk by drafting the bills narrowly to apply only to federal elections. But the liberal Congress that produced these voting rights bills profoundly disagrees with the conservative Court about what counts as a constitutional violation of the right to vote and whether states and localities routinely violate voters' rights or engage in racial discrimination. These disagreements would inevitably have influenced the Court's view of the Elections Clause and the federalism balance it strikes.

The primary issue is that the current Court does not believe that state election laws that disproportionately discourage minority voters from the polls constitute racial discrimination—or even a significant burden on the right to vote.⁸ By contrast, it views federal election laws skeptically—wary of any intrusion on state sovereignty.⁹ It is thus likely to circumscribe Congress's power under the Elections Clause, as it has under Section 5 of the Fourteenth Amendment and other provisions, were the issue to arise.¹⁰

5. See Freedom to Vote Act, S. 2747, 117th Cong. (2021) (summarizing the main effects of the proposed legislation). On the potential impact of the Freedom to Vote Act, see The Freedom to Vote Act, Brennan Ctr. for Just. (Sept. 20, 2021), <https://www.brennancenter.org/our-work/research-reports/freedom-vote-act> [<https://perma.cc/KXZ5-JEHJ>].

6. See S. 2747.

7. See John R. Lewis Voting Rights Act, H.R. 4, 117th Cong. (2021) (summarizing the main effects of the proposed legislation).

8. Cf. *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321, 2346–47 (2021) (finding that the disproportionate impact of the state law on minorities was not severe enough in this particular instance to establish a significant burden on voting).

9. See *id.* at 2343 (emphasizing that federal legislation, even important legislation like the VRA, “does not deprive the States of their authority to establish non-discriminatory voting rules” or allow for “a wholesale transfer of the authority to set voting rules from the States to the federal courts”); *Shelby County v. Holder*, 570 U.S. 529, 530 (2013) (“States retain broad autonomy . . . in structuring their governments and pursuing legislative objectives. Indeed, the Tenth Amendment reserves to the States all powers not specifically granted to the Federal Government, including ‘the power to regulate elections.’” (citing *Gregory v. Ashcroft*, 501 U.S. 452, 461–62 (1991))).

10. See, e.g., *Shelby County*, 570 U.S. at 556–57 (holding that the coverage formula for VRA's preclearance requirements to be an unconstitutional exercise of Congress's powers to prevent racial discrimination in voting); *City of Boerne v. Flores*, 521 U.S. 507, 520 (1997) (mandating that Congress's proactive enforcement measures under the Fourteenth Amendment have “congruence and proportionality” with what the Fourteenth Amendment

This Piece advances a fundamentally different orientation to democracy reform. Starting from the premise that the ultimate normative goals of democratic reform should be policy responsiveness and the restoration of confidence in and functionality of the government, it looks to ways to achieve those goals without federal legislative intervention—or any legislative intervention. Voters should have easier access to the ballot. Legislatures must be un-gerrymandered, and economic elites, like hyper-partisan ideologues, should have less influence over politics. But procedural reforms, however important, do little to address the unresponsive governance that drives the unsavory politics of today. Political parties, by contrast, if systematically strengthened as organizations with deeper ties to voters, have enormous potential to boost not just voter turnout, but confidence in American democracy itself.

American voters are tired of Congress's persistent failure to translate public priorities into laws that are effective and well administered.¹¹ They are weary of hyper-partisanship, gridlock, and the outsized political influence of moneyed elites. As a result, voters on both sides of the political aisle have become cynical about politics, politicians, and political parties.¹²

Restoring American voters' confidence and shoring up democratic responsiveness always required more than reforming election rules. The key to political responsiveness is political organization. Organizing politically on a broad scale works, even when election laws are unfavorable—as they have been for most of American history. The history of democratization, from women's suffrage to civil rights, including LGBTQ rights, has been the story of protest and organization in the face of electoral exclusion or marginalization, followed by party integration.¹³ The best evidence is the history of suffrage expansion: Through mass mobilization, disenfranchised groups built public support, forged political allies, and secured political rights.¹⁴ Extrapolating from this history, it is

directly forbids states to do); see also *Nat'l Fed'n Indep. Bus. v. Sebelius*, 567 U.S. 519, 585 (2012) (limiting Congress's ability to use its Spending Clause power as a lever to enact policy change).

11. See Reid J. Epstein, *As Faith Flags in U.S. Government, Many Voters Want to Upend the System*, *N.Y. Times* (July 13, 2022), <https://www.nytimes.com/2022/07/13/us/politics/government-trust-voting-poll.html> (on file with the *Columbia Law Review*) (“A majority of American voters across nearly all demographics and ideologies believe their system of government does not work . . .”); Mark Murray, ‘Downhill,’ ‘Divisive’: Americans Sour on Nation’s Direction in New NBC News Poll, *NBC News* (Jan. 23, 2022), <https://www.nbcnews.com/politics/meet-the-press/downhill-divisive-americans-sour-nation-s-direction-new-nbc-news-n1287888> [<https://perma.cc/Z893-2MPV>] (summarizing polls showing that Americans are fed up with polarization, parties, and the direction of the country).

12. See Epstein, *supra* note 11.

13. See Francis Fox Piven, *Challenging Authority: How Ordinary People Change America* 1–2, 19 (2006) (describing how social movements use “disruptive power” to spur political change and egalitarian reforms).

14. See, e.g., *id.* at 87–88 (describing the VRA as the culmination of the 1960s civil rights protests).

reasonable to assume that political organization remains a powerful tool for achieving policy gains, even in the face of recent disenfranchisement efforts and money in politics.¹⁵

Despite their political cynicism, Americans appear to understand this. In recent years, they have become far more politically engaged. The 2020 election between Donald J. Trump and Joseph R. Biden brought record numbers of Americans to the polls.¹⁶ With over 66% of the voting-age population casting ballots, turnout reached its highest rate in decades—by some measures, the highest in 120 years.¹⁷ Further, turnout rose across diverse demographics, including Asian American, young, Hispanic, and non-college-educated white voters.¹⁸

But this is the catch—and the key contribution of this Piece: Effectively channeling political engagement into responsive governance requires political parties. Political parties are the only institutions capable of political organization at the scale necessary to produce accountability and responsiveness in a nation as vast and diverse as the United States.¹⁹ Indeed, this is their primary function.

15. See generally Marshall Ganz, *Why David Sometimes Wins: Leadership, Organization, and Strategy in the California Farm Workers Movement* (2010) (explaining the role of careful popular organizing strategies in successful workers' movements); Hahrie Han, *How Organizations Develop Activists: Civic Associations and Leadership in the 21st Century* (2014) (exploring how organizations transform individual capacities and motivations for political activism); Piven, *supra* note 13 (describing how popular movements have historically organized and describing their political effects). For an argument for why this literature should also shape our approaches to the influence of money on politics, see Tabatha Abu El-Haj, *Beyond Campaign Finance Reform*, 57 B.C. L. Rev. 1127, 1129–32 (2016) (arguing that organized political participation can provide a counterweight to the disparate influence exercised in politics by those with money).

16. Scott Clement & Daniela Santamaría, *What We Know About the High, Broad Turnout in the 2020 Election*, Wash. Post (May 13, 2021), <https://www.washingtonpost.com/politics/2021/05/13/what-we-know-about-high-broad-turnout-2020-election/> (on file with the *Columbia Law Review*).

17. *Id.*

18. See William H. Frey, *Turnout in 2020 Spiked Among Both Democratic and Republican Voting Groups, New Census Data Shows*, Brookings (May 5, 2021), <https://www.brookings.edu/research/turnout-in-2020-spiked-among-both-democratic-and-republican-voting-groups-new-census-data-shows/> [https://perma.cc/WVV3-4MX3] (noting that “2020’s voting spike occurred across both Democratic-leaning demographic groups and Republican-leaning ones”).

19. See John Aldrich, *Why Parties? A Second Look* 3 (2011) (“Political parties lie at the heart of American politics.”); Donley Studlar, E. E. Schattschneider, *The Semi-Sovereign People: A Realist’s View of Democracy in America* in *The Oxford Handbook of Classics in Public Policy and Administration* 123, 125 (Martin Lodge, Edward C. Page & Steven J. Balla eds., 2015) (discussing E. E. Schattschneider’s desire for “more programmatic, unified political parties”); Lee Drutman, *Elections, Political Parties, and Multiracial, Multiethnic Democracy: How the United States Gets It Wrong*, 96 NYU. L. Rev. 985, 989 (2021) (“In order for elections to be meaningful, however, elections have to be about something. That is, parties have to offer voters meaningful choices between policies. Otherwise, elections become meaningless, and the accountability mechanism that makes elections such important instruments of democracy is undermined” (emphasis omitted)).

Outsourcing our political organizing to non-party groups is not a solution. Grassroots and civic organizations struggle to perform the twin tasks of maintaining political energy on the ground and scaling up to be effective statewide or at the federal level.

Strong political parties are the only civic associations capable of serving as intermediaries to the public and restoring good governance.²⁰ Political parties are thus critical to any effort to restore our democratic decline.²¹ Voters cannot simply rely on civic groups to achieve these ends.

It is admittedly a big ask to persuade Americans that what they need right now is political parties. Political parties are among the least trusted institutions in the United States.²² Pluralities of Americans now identify as Independents,²³ and many Americans report that they do not trust politicians to act in the public's best interests.²⁴ The public's distrust of political parties, especially party leaders, is understandable.

But this rampant anti-party sentiment—especially among youth activists and democracy reformers—presents a significant obstacle to achieving meaningful political change. Strong parties are the key to the democratic responsiveness Americans crave. Indeed, in recent years, parties deserve credit for their tremendous success in boosting voter turnout despite rising cynicism toward the party system.²⁵ But they could do better.

This Piece seeks to persuade Americans to take a second look at parties. It explains why Americans need strong parties, how we should conceive of them, and how we *might* get there. The foremost arguments for

20. See Tabatha Abu El-Haj, *Networking the Party: First Amendment Rights and the Pursuit of Responsive Party Government*, 118 *Colum. L. Rev.* 1225, 1231–32 (2018) [hereinafter Abu El-Haj, *Networking the Party*] (arguing that strong political parties with popular feedback mechanisms strengthen democracy).

21. See Steven Levitsky & Daniel Ziblatt, *How Democracies Die* 9 (2018) (arguing that American democracy has been in decline since the 1990s); Jan-Werner Muller, *Democracy Rules* 31–35 (2021) (explaining the importance of political parties to fighting inequality).

22. See Domenico Montanaro, *Here's Just How Little Confidence Americans Have in Political Institutions*, NPR (Jan. 17, 2018), <https://www.npr.org/2018/01/17/578422668/heres-just-how-little-confidence-americans-have-in-political-institutions> [<https://perma.cc/FBY8-NPA8>] (finding that 62% of Americans lack confidence in the Democratic Party and 68% lack confidence in the Republican Party).

23. See Jeffrey M. Jones, *Quarterly Gap in Party Affiliation Largest Since 2012*, Gallup (Apr. 7, 2021), <https://news.gallup.com/poll/343976/quarterly-gap-party-affiliation-largest-2012.aspx> [<https://perma.cc/UE6D-A4UE>] (referencing data showing that 44% of Americans identified as Independents in 2021 compared to the 30% that identified as Democrats and 25% that identified as Republicans).

24. See Lee Rainie, Scott Keeter & Andrew Perrin, *Trust and Distrust in America*, Pew Rsch. Ctr. (July 22, 2019), <https://www.pewresearch.org/politics/2019/07/22/trust-and-distrust-in-america/> [<https://perma.cc/QBF7-JCHS>].

25. See Frey, *supra* note 18; Maggie Koerth, *In American Politics, Everyone's a Cynic*, *FiveThirtyEight* (Dec. 17, 2019), <https://fivethirtyeight.com/features/in-american-politics-everyones-a-cynic/> [<https://perma.cc/UEB9-4B99>] (indicating that the average public trust score, a combination of voters' perceptions of the government and politicians, was at its lowest in 2016).

party reform theorize that good governance will be restored when political power is returned to party leaders and the influence of ideological donors (small and large) is diminished.²⁶ Policy prescriptions in this vein typically call for further deregulation of campaign finance laws.²⁷ But unfortunately, these calls ignore how party leaders are no longer moderate, let alone independent of ideological donors.²⁸

This Piece lays out a different concept of party strength and party reform. Party responsiveness, we argue, depends on doing more than simply taking the pulse of voters on surveys. Instead, a strong party is one that listens and responds to the concerns of its members and the needs of citizens in the electorate. This requires parties to systematically strengthen themselves as organizations and deepen their ties to voters.

Below we define the axes on which strength should be measured and how to achieve such party strength. In doing so, we distill and expand upon an argument that Tabatha Abu El-Haj previously developed in discussing the First Amendment rights of political parties—an obscure niche of First Amendment doctrine.²⁹ This Piece, by contrast, develops a generalized theory of associational party-building—one that pushes beyond a view

26. See, e.g., Bruce E. Cain & Cody Gray, *Parties by Design: Pluralist Party Reform in a Polarized Era*, 93 *NYU. L. Rev.* 621, 628–29 (2018) (“This situation enables powerful ideological individuals and groups to exert leverage on elected officials through threats of losing donations or ‘being primaried’ and makes it harder for party leaders to induce compromise and whip votes when needed.”); Samuel Issacharoff, *Outsourcing Politics: The Hostile Takeover of Our Hollowed-Out Political Parties*, 54 *Hous. L. Rev.* 845, 859 (2017) (“As a general matter, the party leadership holds an inevitable advantage in the battle for control of political parties. The mass of the party-in-the-electorate is disabled by a collective action problem in organizing for its interests—usually center-leaning.”); Raymond J. La Raja, *Richer Parties, Better Politics? Party-Centered Campaign Finance Laws and American Democracy*, 11 *Forum* 313, 320–21 (2013) (“In theory, at least, party-centered campaign finance laws should help nominate moderate candidates because, by channeling money through the party organization, such laws might render ideological organizations less influential in the electoral process.”); Richard H. Pildes, *Romanticizing Democracy, Political Fragmentation, and the Decline of American Government*, 124 *Yale L.J.* 806, 837–39 (2014) (explaining how allowing more coordinated spending between candidate and party helps both shrink the power of external funders and increases party accountability); Richard H. Pildes, *Political Fragmentation in Democracies of the West* 14 (N.Y.U. L. Sch., Pub. L. & Legal Theory Working Paper No. 21-50, 2021) [hereinafter Pildes, *Political Fragmentation*] (“During divided government, internally fragmented parties make it all the more difficult to forge legislative deals . . . and party leaders lack the effective power to bring enough party members together. All this makes effective governance even more difficult.”).

27. See *Democratic Romanticism and Its Critics*, 36 *Democracy J.*, Spring 2015, <https://democracyjournal.org/magazine/36/democratic-romanticism-and-its-critics/> [<https://perma.cc/5NFU-3E69>] (“[Skeptics] claim that restrictions on campaign money, particularly the ‘soft money’ run through party committees that dominated campaigns in the late 1990s, have weakened parties and led to the dominance of ideological extremists.”).

28. See Joseph Fishkin & Heather K. Gerken, *The Party’s Over: McCutcheon, Shadow Parties, and the Future of the Party System*, 2014 *Sup. Ct. Rev.* 175, 184 (noting that moderates in the Democratic and Republican parties are becoming rarer).

29. See generally Abu El-Haj, *Networking the Party*, *supra* note 20, at 1250–85 (explaining why strengthening parties can improve the accountability of governance).

of parties as heuristic brands, vehicles for funding elections, or policy-demanders (including issue activists and special interests).

The functionality of the American party system, we argue, depends on *associational party-building*. Associational party-building focuses on building up political organizations as intermediaries that link citizens and civic groups to their government. This is a crucial dimension of party strength that is distinct from (but related to) the ability to win elections. Associational party-building offers a path toward rebuilding participatory political parties capable of advancing democratic accountability and responsiveness, and it is essential if party reform efforts are to improve governance.

The stability of American democracy is uncertain, and it is foolish to imagine there are any silver bullet policy prescriptions to repair it. Still, there are openings in both parties for associational party reform coming from within. Rampant political cynicism about parties is not the whole story of contemporary American politics. Recent years have also seen heightened political engagement, fueling not just turnout, but also marches and protests for various causes.³⁰ Political opportunity exists in this disjuncture.

This Piece proceeds as follows: Part I lays out the limits of election reform and the potential of political mobilization. Part II then reconsiders how political parties contribute to democracy, emphasizing why parties are well-positioned to mobilize citizens into politics and how organized participatory parties contribute to good governance and policy responsiveness. This Part develops the concept of associational party-building, which strengthens party organizations. Part III turns to the evidence of associational party-building from recent elections, focusing on get-out-the-vote campaign efforts as well as state and local party institution-building. It concludes by discussing evidence of the potential for associational party-building to change party recruitment efforts and policy priorities. Finally, Part IV considers the democratic returns of associational party-building. In all, this Piece seeks to show that strengthening parties as organizations is not only necessary but possible—and how it is already happening in limited but still significant ways.³¹

30. Rainie et al., *supra* note 24.

31. In a previous essay, Professor Abu El-Haj identified signs of associational party-building in the 2018 midterm election, focusing on the federal election. That essay was an inspiration for the more systematic theoretical development and accounting offered here. See generally Tabatha Abu El-Haj, Possibilities for Responsive Party Government, 119 Colum. L. Rev. Online 123 (2019) [hereinafter Abu El-Haj, Possibilities for Responsive Party Government] (explaining why “the associational path is not only theoretically optimal but also practically possible”).

I. THE LIMITS OF ELECTION REFORM AND THE POTENTIAL OF POLITICAL MOBILIZATION

Democracy reform was one of President Biden's signature agenda items when he took office in January 2021. As a result, many activists, citizens, party leaders, and scholars mobilized to support the John Lewis Voting Rights Advancement Act and the Freedom to Vote Act.³² These bills included provisions to restore preclearance in states with a history of voting rights discrimination and to create uniformity in state election administration. They also included provisions to ease ballot access through measures such as same-day voting, automatic voter registration, and the establishment of a significant period of early and weekend voting for all federal elections.³³ Democracy reformers and activists had been working on these issues for years and had long campaigned to pass similar bills.³⁴ Nonetheless, there was always a substantial risk that the Supreme Court would have struck down large portions of the bills had they passed.³⁵

After a decades-long conservative project, the Court is no longer a reliable enforcer of voting rights. It was thus unlikely to agree with Congress's assessment that "excessively onerous voter identification requirements, burdensome voter registration procedures, voter purges,

32. See Daniela Santamariña, Matt Viser & Ashlyn Still, *At the 100-Day Mark, Has Biden Kept His Campaign Promises?*, Wash. Post (Apr. 27, 2021), <https://www.washingtonpost.com/politics/interactive/2021/biden-promises-100-days/> (on file with the *Columbia Law Review*) (describing President Biden's campaign promise to pass the Voting Rights Advancement Act). When Democrats won control of the House of Representatives in 2018, Nancy Pelosi and John Sarbanes passed H.R. 1, the For the People Act. H.R. 1 failed in the Senate. In 2021, H.R. 1 again passed the House and failed in the Senate. The Freedom to Vote Act was an amended version of the For the People Act, but it still failed to pass the Senate. See *For the People Act of 2021*, H.R. 1, 117th Cong. (2021).

33. *Freedom to Vote: John R. Lewis Act*, H.R. 5746, 117th Cong. (2021). This was the bill that failed to clear the filibuster in January 2022. See *All Actions H.R.5746—117th Congress (2021–2022)*, Congress.gov, <https://www.congress.gov/bill/117th-congress/house-bill/5746/all-actions?q=%7B%22search%22%3A%5B%22H.R.+5746%22%2C%22H.R.%22%2C%225746%22%5D%7D&cs=3&r=2&overview=closed#tabs> [<https://perma.cc/CJCS-N4DH>] (last visited Aug. 24, 2022) (listing all actions taken on the John Lewis Voting Rights Advancement Act).

34. See *Protecting a Precious, Almost Sacred Right: The John R. Lewis Voting Rights Advancement Act: Hearing on H.R. 4 Before the S. Comm. on the Judiciary*, 117th Cong. 29 (2021), <https://www.judiciary.senate.gov/meetings/protecting-a-precious-almost-sacred-right-the-john-r-lewis-voting-rights-advancement-act> [<https://perma.cc/5ZXB-UV6U>]; *Voting in America: A National Perspective on the Right to Vote, Methods of Election, Jurisdictional Boundaries, and Redistricting: Hearing Before the Subcomm. on Elections of the H. Comm. on H. Admin.*, 117th Cong. 1–10 (2021) (statement of Michael Waldman, President, Brennan Center for Justice), <https://www.brennancenter.org/our-work/research-reports/testimony-voting-america-committee-house-administrations-subcommittee> [<https://perma.cc/8V4L-Z93J>].

35. See Hulse, *supra* note 1 (explaining that the Supreme Court struck down elements of the VRA in a series of decisions).

limited and unequal access to voting by mail, polling place closures, unequal distribution of election resources, and other impediments” constitute a substantial burden on the right to vote.³⁶

Congress tried to mitigate that risk by drafting the bills narrowly to apply only to federal elections,³⁷ thus invoking its power to set the time, place, and manner of federal elections under the Elections Clause³⁸ and avoiding conflict with the Court over its powers under Section 5 of the Fourteenth Amendment.³⁹

A. *The Unknown Scope of the Elections Clause*

The Elections Clause “empowers Congress to pre-empt state regulations governing the ‘Times, Places, and Manner’ of holding congressional elections.”⁴⁰ It provides, in relevant part, that “[t]he Times, Places and Manner of holding [federal] Elections . . . shall be prescribed in each State,” but that “Congress may at any time by Law *make or alter* such regulations.”⁴¹ Indeed, the Court has read this power broadly to “embrace authority to provide a complete code for congressional elections” and thus to allow for the preemption of state rules governing voter registration, recounts, and party primaries.⁴² The Help America Vote Act and the National Voter Registration Act were passed pursuant to this authority.⁴³

But Congress’s power in the Elections Clause is not boundless. The Elections Clause does not give Congress any power to prescribe voting

36. H.R. 5746 § 3(3)(C). Conservatives often argue, accurately, that many Democratic states have far more restrictive voting laws—laws that have long been considered constitutional—than those that have been adopted by Republican state legislatures over the past year, while pointing out that data on whether such restrictions in fact depress turnout is decidedly mixed. Pat Toomey, Opinion, Voting Rights Bills Will Undermine the Rights Democrats Claim to Protect, *Phila. Inquirer* (Jan. 11, 2022), <https://www.inquirer.com/opinion/commentary/filibuster-biden-voting-rights-pat-toomey-20220111.html> (on file with the *Columbia Law Review*) (explaining the restrictive voter access policies of many Democratic-controlled states and the lack of data regarding the impact of such policies on turnout). The data has long been mixed on the effectiveness of imposing administrative barriers to voting, although it does appear that the effects compound when one voting restriction after another is piled on. See, e.g., Zoltan Hajnal, Nazita Lajevardi & Lindsay Nielson, Voter Identification Laws and the Suppression of Minority Votes, 79 *J. Pol.* 633, 377 (2017); John Kuk, Zoltan Hajnal & Nazita Lajevardi, A Disproportionate Burden: Strict Voter Identification Laws and Minority Turnout, 10 *Pol. Grps. & Identities* 1, 1 (2020).

37. See H.R. 5746.

38. U.S. Const. art. I, § 4, cl. 1.

39. *Id.* amend. XIV, § 5.

40. *Arizona v. Inter-Tribal Council of Ariz.*, 570 U.S. 1, 8 (2013).

41. U.S. Const. art. I, § 4, cl. 1 (emphasis added). The one caveat is that Congress may not alter “the Places of choosing Senators.” *Id.*

42. *Inter-Tribal Council of Ariz.*, 570 U.S. at 8–9 (citing *Smiley v. Holm*, 285 U.S. 355, 366 (1932)).

43. Derek T. Muller, *The Play in the Joints of the Election Clauses*, 13 *Election L.J.* 310, 313 (2014).

qualifications. That power lies in the hands of states.⁴⁴ Indeed, the Court has gone so far as to declare that “[p]rescribing voting qualifications . . . ‘forms no part of the power to be conferred upon the national government’ by the Elections Clause, which is ‘expressly restricted to the regulation of the *times*, the *places*, and the *manner* of elections.’”⁴⁵

Underlying disagreements about the scope of voting rights—and more importantly, the extent of voting rights violations by states—would inevitably have influenced the Court’s view of the Elections Clause and the federalism balance it strikes.⁴⁶ Unfortunately, the line between voter qualifications and rules governing the manner of voting is not always bright. The conservative members of this Court share Justice Anthony Kennedy’s view that “[t]he separate States have a continuing, essential interest in the integrity and accuracy of the process used to select both state and federal officials.”⁴⁷ They are thus likely to be skeptical of any federal election law that either supplants state voter qualifications or precludes their effective enforcement.⁴⁸

The Court, for example, would have likely balked at Congress’s effort to prevent states from disenfranchising felons who are no longer serving sentences in correctional institutions from voting in federal elections or requiring them to complete probation or parole before restoring their federal voting rights.⁴⁹ But even those provisions that more squarely address the administration of federal elections might well have floundered.⁵⁰

44. U.S. Const. art. 1, § 2, cl. 1; *id.* amend. XVII.

45. *Inter-Tribal Council of Ariz.*, 570 U.S. at 17 (quoting Federalist No. 60, at 371 (Alexander Hamilton) (Clinton Rossiter ed., 1961)).

46. *Cf. id.* at 17 (“Arizona is correct that it would raise serious constitutional doubts if a federal statute precluded a State from obtaining the information necessary to enforce its voter qualifications.”).

47. *Id.* at 22 (Kennedy, J., concurring); see also *Brnovich v. Democratic Nat’l Comm.*, 141 S. Ct. 2321, 2348 (2021) (“Section 2’s command that the political processes remain equally open surely does not demand that ‘a State’s political system sustain some level of damage before the legislature [can] take corrective action.’” (quoting *Munro v. Socialist Workers Party*, 479 U.S. 189, 195 (1986))); *Shelby County v. Holder*, 570 U.S. 529, 534–35 (2013) (characterizing the preclearance regime of the VRA as an “extraordinary measure[]” that constituted “a drastic departure from basic principles of federalism” justified only by an “extraordinary problem”).

48. *Inter-Tribal Council of Ariz.*, 570 U.S. at 17–18 (citing the Federalist Papers for the proposition that prescribing voting qualifications is not within the power of the national government through the Election Clause).

49. Freedom to Vote Act, S. 2747, 117th Cong. (2021) (“The bill declares that the right of a U.S. citizen to vote in any election for federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual is serving a felony sentence.”).

50. *Cf. Franita Tolson, The Elections Clause and the Underenforcement of Federal Law*, Yale L.J. Forum 171, 172–73 (2019) (describing the Heritage Foundation’s report arguing that analogous federal efforts to ease voter registration requirements unconstitutionally “interfere[] with the states’ constitutional authority to determine voter qualifications”); see also *id.* at 178–79 (outlining the debate over Congress’s authority to regulate felon disenfranchisement under the Elections Clause).

B. *The Known Limits of Congress's Section 5 Powers*

In the absence of power under the Elections Clause, Congress would have had to rely on its Section 5 powers.⁵¹ Section 5 gives Congress “the power to enforce, by appropriate legislation, the provisions” of the Fourteenth Amendment.⁵² Analogous congressional powers are conferred by the Thirteenth Amendment (abolishing slavery and involuntary servitude, except as punishment for a crime) and the Fifteenth Amendment (prohibiting racial discrimination in voting).⁵³

Congress and the conservative Court, however, fundamentally disagree about what counts as a violation of the right to vote and whether states and localities routinely violate voters’ rights and engage in unconstitutional racial discrimination. The main cleavage is that the Court has taken the view that while disparate impact can be a clue to discriminatory intent, it does not, standing alone, amount to evidence of unconstitutional racial discrimination under either the Fourteenth or Fifteenth Amendments.⁵⁴ Moreover, where party and race overlap, the Court is particularly hesitant to view disparate racial impacts as a sign of racially discriminatory intent, as opposed to partisan self-interest.⁵⁵

Because the Court gets the final say over the constitutionality of exercises of Congress’s powers, these disagreements matter a great deal.⁵⁶ More specifically, the current Supreme Court is unlikely to agree that recently adopted state election reforms burden voters’ rights⁵⁷ or constitute racial discrimination, despite their consistent tendency to disproportionately burden minority voters.⁵⁸ This is because it is unlikely to believe that the disparate impact of such provisions on communities of color can be attributed to intentional racial discrimination—a prerequisite

51. *Inter-Tribal Council of Ariz.*, 570 U.S. at 25–27 (Thomas, J., dissenting).

52. U.S. Const. amend. XIV, § 5.

53. *Id.* amend. XV, § 5; *id.* amend. XIII, § 2.

54. *Brnovich v. Democratic Nat’l Comm.*, 141 S. Ct. 2321, 2331–33 (2021); see also *City of Mobile v. Bolden*, 446 U.S. 55, 70 (1980); *Washington v. Davis*, 426 U.S. 229, 229 (1976).

55. See, e.g., *Brnovich*, 141 S. Ct. at 2349 (stressing that “partisan motives are not the same as racial motives”). But see Richard L. Hasen, *Race or Party? How Courts Should Think About Republican Efforts to Make It Harder to Vote in North Carolina and Elsewhere*, 127 *Harv. L. Rev. Forum* 58, 61 (2014) (“When party and race coincide, as they did in 1900 and they do today, it is much harder to separate racial and partisan intent and effect.”).

56. *City of Boerne v. Flores*, 521 U.S. 507, 529, 532 (1997) (limiting Congress’s ability to “define its own powers by altering the Fourteenth Amendment’s meaning”).

57. *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 203 (2008) (upholding an Indiana law requiring presentation of valid photo identification before voting because the statute’s broad application “imposes only a limited burden on voters’ rights” (internal quotation marks omitted) (quoting *Burdick v. Takushi*, 504 U.S. 428, 439 (1992))).

58. See *McCleskey v. Kemp*, 481 U.S. 279, 279 (1987) (upholding the death penalty in Georgia, despite racially disparate impact, because a discriminatory purpose could not be proven); *Washington*, 426 U.S. at 229 (upholding a District of Columbia Police Department application test, despite racially disparate results, because petitioners were unable to prove discriminatory intent).

for constitutional violations under existing doctrine.⁵⁹ Thus, it is unlikely that it would sanction Congress's proposed updated formula to determine which states were subject to preclearance under the VRA. Efforts to make it easier for advocates to sue successfully under Section 2 of the VRA were similarly vulnerable to successful constitutional challenges.

The Freedom to Vote Act's effort to boost campaign finance laws was even more vulnerable. While Congress could once have safely assumed disclosure requirements limited to donors contributing more than \$10,000 to an entity per election-reporting cycle are constitutional, the Court has shown growing skepticism even toward disclosures.⁶⁰ Litigation was also likely regarding the constitutionality of provisions tightening coordination rules for Super PACs (independent expenditure groups). In these cases, while the Court would likely recognize Congress's power in this domain, it would have struck down its particular choices as barred by its interpretation of the First Amendment.

C. *Mobilization as a Promising Democracy Reform Strategy*

Beyond these constitutional vulnerabilities, there is the basic fact that these reforms to the election process, while important, do not address the lack of democratic responsiveness in Congress. There has been an unfortunately persistent congressional failure to translate public priorities into effective, well-administered programs in recent years. This in turn fuels distrust in democratic institutions. Creating uniform federal standards for election administration and increasing voting access does not necessarily reduce polarization or make it easier for congressional majorities to pass policies. Several procedural reforms (eliminating the filibuster or mandating rank-choice voting in party primaries) might have more traction in restoring confidence in Congress. But none were part of the package that failed.

By comparison, recent high-turnout and civically engaged elections have yielded important policy results at the state and local levels. In 2020, Floridians passed a ballot initiative to raise the minimum wage to fifteen dollars.⁶¹ Tellingly, more Floridians voted to raise the minimum wage than in the presidential election. A 2018 ballot initiative in the state led to the passage of felon re-enfranchisement by a similar coalition of Democratic

59. Freedom to Vote: John R. Lewis Act, H.R. 5746, 117th Cong. § 3(4)(B) (2021).

60. Cf. *Ams. for Prosperity Found. v. Bonta*, 141 S. Ct. 2373, 2377 (2021) (striking a California law compelling disclosure of affiliation with groups engaged in advocacy as a violation of the First Amendment); *Van Hollen v. Fed. Election Comm'n*, 811 F.3d 486, 486 (D.C. Cir. 2016) (upholding as constitutional an FEC regulation narrowing disclosure requirements for corporations and labor unions).

61. Jacob Pramuk, Florida Votes to Raise State's Minimum Wage to \$15 an Hour, CNBC (Nov. 4, 2020), <https://www.cnbc.com/2020/11/04/florida-votes-to-raise-minimum-wage-to-15-in-2020-election.html> [<https://perma.cc/8FX6-QWWE>].

and Republican voters.⁶² Elsewhere, bipartisan majorities led to the direct enactment of election reform in Kentucky (which made early in-person voting permanent)⁶³ and in Vermont (which mandated absentee ballots for all registered voters).⁶⁴ Voters have also passed ballot initiatives reforming campaign finance and establishing independent redistricting commissions.⁶⁵

Mass participation would be more consistently effective, however, if it were channeled through participatory party organizations. Associational parties, as we call them, can do even better than idiosyncratic mass participation to promote the demands of voters and begin to restore the fraying trust between citizens and government in the United States.⁶⁶ For one, parties can effect change through the normal legislative process rather than through the extraordinary, and not uniformly available, initiative process. Below we elaborate on the key measures of a strong associational party and explain why their attainment should become the focus of democratic reform energy.

II. RECONSIDERING POLITICAL PARTIES AND THE MEASURE OF THEIR STRENGTH

The argument for associational parties builds off the tremendous success parties have recently had in boosting voter turnout. Despite rising cynicism toward the party system, voting in the 2020 election surged among traditionally low-propensity voters as states also expanded ballot access through mail-in voting or longer voting periods because of the COVID-19 pandemic.⁶⁷ The turnout rate among young voters (eighteen to twenty-nine) exceeded fifty percent for the first time since the 1980s, and the electorate was significantly more racially and socioeconomically diverse.⁶⁸ Indeed, around six million more people in low-income households

62. Tim Mak, *Over 1 Million Florida Felons Win Right to Vote With Amendment*, NPR (Nov. 7, 2018), <https://www.npr.org/2018/11/07/665031366/over-a-million-florida-ex-felons-win-right-to-vote-with-amendment-4> [<https://perma.cc/ZA7Y-4CQL>].

63. H.R. 564, 2022 Leg., 259th Sess. (Ky. 2022).

64. S. 15, 60th Gen. Assemb., Reg. Sess. (Vt. 2021).

65. Ian Vandewalker, *Campaign Finance Victories in 2020 Elections*, Brennan Ctr. for Just. (Dec. 1, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/campaign-finance-victories-2020-elections> [<https://perma.cc/W8X6-WSTV>].

66. Cf. *Public Trust in Government: 1958–2022*, Pew Rsch. Ctr. (June 6, 2022), <https://www.pewresearch.org/politics/2022/06/06/public-trust-in-government-1958-2022/> [<https://perma.cc/YN2W-EZAR>].

67. Michelle Ye Hee Lee, *Gen Z, Millennial Voters Embrace Activism and Voting, as Youth Turnout Surges Ahead of Election Day*, Wash. Post (Oct. 29, 2020), https://www.washingtonpost.com/politics/youth-early-vote/2020/10/29/506db1b6-1889-11eb-aeec-b93bcc29a01b_story.html (on file with the *Columbia Law Review*).

68. See Ronald Brownstein, *Don't Sleep on Asian American Voters*, Atlantic (May 20, 2021), <https://www.theatlantic.com/politics/archive/2021/05/asian-american-voters-trump-covid/618935/> [<https://perma.cc/L6RU-3TVG>]; Clement & Santamariña, *supra* note 16.

voted in 2020 compared to 2016.⁶⁹ Turnout among Black voters reached seventy percent in the eight competitive states that were decisive for the presidential election.⁷⁰

By working with partisan allies and local civic groups, parties harnessed the recent uptick in political energy to mobilize voters across many battleground states for the 2020 election. Parties combined traditional door-to-door canvassing efforts with new technologies to get out voters. As a result, many Senate and House races were won by thin margins that largely depended on the mobilization of specific constituencies.⁷¹ Because, however, the parties outsourced these efforts to allied civic groups, many voters currently remain—and are—disconnected from party institutions.

Still, the 2020 election cycle shows signs that certain state political parties are learning that grassroots mobilization is more than a campaign turnout strategy. It is a dimension of party activity itself, one that needs to be sustained across elections. After the 2020 election, for example, the Texas Democratic Party sought to understand why Democrats, despite record turnout, did not win more seats.⁷² In a memo evaluating campaign efforts, the party attributed its failures to the inability to do in-person canvassing given the public health crisis and its inefficient targeting of voters for turnout.⁷³ The report noted how these two dynamics intersect: The absence of in-person canvassing meant the party lacked the information necessary to effectively reach large and key portions of their base, most notably low- to moderate-turnout voters.⁷⁴ The report recommended that going forward, the party focus on party-building by instituting year-round mobilization efforts in concert with “statewide organizations, county parties, and [individual] campaigns” and called for “invest[ing] in direct voter contact as much as possible.”⁷⁵

Academic debates about party reform, however, have not yet made this shift. For the most part, the political science literature on parties remains deeply muted on how parties might strengthen their relationships

69. Sarah Anderson & Margot Rathke, Opinion, Low-Income Voters Showed Up for Biden, Now They Need Relief, *Times-Republican* (Nov. 17, 2020), <https://www.timesrepublican.com/opinion/columnists/2020/11/low-income-voters-showed-up-for-biden-now-they-need-relief/> [<https://perma.cc/9Q59-92J6>] (detailing how some civic organizations deserve credit for higher voter turnouts in the 2020 election).

70. See *id.*

71. See Election Results, 2020: Congressional Margin of Victory Analysis, Ballotpedia, https://ballotpedia.org/Election_results,_2020:_Congressional_margin_of_victory_analysis [<https://perma.cc/PP9D-C5T7>] (last updated Aug. 29, 2022).

72. Hudson Cavanagh, Tex. Democrats, 2020 Texas Election Data Analysis 10 (2020), <https://www.texasdemocrats.org/wp-content/uploads/2021/02/2020-Texas-Election-Data-Analysis.pdf> [<https://perma.cc/98AJ-UV52>] (explaining why in-person canvassing failed for the Democrats in Texas in 2020).

73. *Id.*

74. *Id.*

75. *Id.* at 13, 28.

with voters or how doing so would strengthen party organization itself. Instead, the focus is primarily on reducing polarization by strengthening party leaders' control over their message and nominees.⁷⁶ Voters, by contrast, play a passive role in the standard account of how political parties contribute to good governance.

The unfortunate consequence is that political scientists simply ignore this dimension of party strength and fail to explore its connection to responsive governance. Indeed, this myopic focus on party leaders and strengthening parties through the deregulation of party finances has resulted in a dearth of systematic study of the current workings of state and local parties, including how those parties intersect with allied civic groups (as opposed to the range of non-party vehicles for campaign spending).⁷⁷

This Piece seeks to remedy that. It illuminates why party responsiveness depends on doing more than simply taking the pulse of voters on surveys. Voters, as party members, should be more than mere consumers of platforms produced by party elites in their absence. A responsive and, in turn, strong party establishes feedback loops that give voice to the concerns and needs of citizens in the electorate. Using illustrative evidence from the past two election cycles, this Part lays out this different vision of party strength—with the hope and expectation that a more systematic empirical study of the claims made here will be possible in future years.

Our *associational* view of party-building is precisely what some party leaders and members are already advocating. For example, Representative Jim Banks of Indiana made a similar point in a memo for the Republican Study Committee.⁷⁸ Taking the idea of “year-round canvassing” even further, Banks argued that the GOP should become the party of the working class and require each of its members to hold Working Class Roundtables with car mechanics, restaurant owners, and janitors as well as nurses, police officers, and electricians, who disproportionately donated to and

76. See Marty Cohen, David Karol, Hans Noel & John Zaller, Party Versus Faction in the Reformed Presidential Nominating System, 49 Pol. Sci. & Pol. 701, 707–08 (2016); see also Rainie et al., *supra* note 24, at 26 (surveying responses to partisan political problems).

77. Raymond J. La Raja & Jonathan Rauch, Ctr. for Effective Pub. Mgmt. at Brookings, The State of State Parties—And How Strengthening Them Can Improve Our Politics 18 (2016), <https://www.brookings.edu/wp-content/uploads/2016/07/states.pdf> [<https://perma.cc/UJV2-5A6M>] (advocating for regulatory changes in campaign finance to strengthen state parties). La Raja and Rauch's survey did not ask how often state parties engaged in peer-to-peer strategies for mobilization nor did their reform efforts call for peer-to-peer strategies that are likely to increase social capital of political party organizations.

78. Memorandum from Jim Banks, Congressman, U.S. House of Reps., to Kevin McCarthy, Minority Leader, U.S. House of Reps. (Mar. 30, 2021) (on file with the *Columbia Law Review*). Jim Banks is also considering a run for party whip if the Republicans take the House in 2022. See He's (Possibly) Running: Jim Banks Is Exploring a Run for GOP Whip Should the House Flip This Fall, As Expected, Politico (June 2, 2022), <https://www.politico.com/minutes/congress/06-2-2022/banks-eyes-whip-bid/> [<https://perma.cc/Q5B3-JL4J>].

voted for former President Trump in 2020.⁷⁹ He further urged the GOP to create a Working Families Task Force focused on developing a blueprint of policies.⁸⁰ Like the party leaders described below, Banks has asked for more consistent, routine, and responsive engagement with local communities.

The ultimate success of these projects, however, will depend on a commitment to build party infrastructure at the local level. Local party organization is critical to effectively executing one of the foremost purposes of a party: mobilizing voters. Local parties do this not just through persuasive campaign messaging but as the primary locus for integrating voters into the party. While the United States has never had card-carrying membership parties (like those found in Western Europe), it once had state and local parties that were part of the associational landscape of local communities.⁸¹ Unfortunately, those parties have since atrophied, and in many places today, local branches of the political parties are legal shells.

In the 1970s, political parties lost ground at the local level as they began a process of nationalization.⁸² With advances in communication technologies, national parties became more prominent in the mid-twentieth century. The McGovern–Fraser reforms accelerated this trend by stripping state parties of their candidate-nomination roles and mandating a primary election system whereby voters themselves would determine the party’s presidential candidate.⁸³ While many states had adopted mandatory primary laws by the early twentieth century, especially for state and local offices, the selection of delegates to the national conventions that nominate presidential candidates still remained firmly within the hands of

79. *Id.* at 1, 4–5.

80. *Id.* at 5.

81. See generally Cornelius P. Cotter, James L. Gibson, John F. Bibby & Robert J. Huckshorn, *Party Organizations in American Politics* (1989) (emphasizing the prominent role that state and local party organizations have traditionally played in American politics); Douglas D. Roscoe & Shannon Jenkins, *Local Party Organizations in the Twenty-First Century* (2015) (examining state and local politics through the lens of organization); La Raja & Rauch, *supra* note 77 (surveying participation in local and state parties).

82. See Jaime Sánchez, Jr., *Revisiting McGovern-Fraser: Party Nationalization and the Rhetoric of Reform*, 32 *J. Pol’y Hist.* 1, 1 (2020) (offering a detailed history of the McGovern–Fraser Commission reforms and arguing they were at least as much about shifting power from state parties to the Democratic National Committee as efforts to enhance member participation).

83. Comm’n on Party Structure and Delegate Selection, 92nd Cong., *Mandate for Reform* (1971), reprinted in 117 *Cong. Rec.* 32,908 (1971); see also Adam Hilton, *The Path to Polarization: McGovern-Fraser, Counter-Reformers, and the Rise of the Advocacy Party*, 33 *Stud. in Am. Pol. Dev.* 87, 88 (2019) (noting that reforms in the wake of the McGovern–Fraser Commission “dismantled procedural arrangements that empowered party officials, officeholders, and other ‘bosses’ to monopolize candidate selection,” and explaining that these changes ultimately affected the Republican Party because they often needed to be legislatively implemented).

party leaders at the time.⁸⁴ The McGovern–Fraser reforms completed the process of democratizing the nomination processes. But the reforms rendered state and local parties less important for national politics. As a result, parties have, over time, invested more resources nationally, including in the congressional leadership offices and in national and candidate PACs.⁸⁵ In contrast to state and local parties, national parties primarily focused on serving the campaign needs of candidates rather than directly engaging with voters: They help candidates raise money and coordinate voter outreach through direct mail and television advertisements.⁸⁶

These changes led to the hollowing out of American political parties and a de-emphasis on people and relationships. State parties, for example, have remained stagnant in size and staffing since the turn of the century, and most state party chairs are unpaid.⁸⁷ As a result, organizational capacity at the local level has languished as party efforts increasingly go toward national campaigns, issues, and candidates. As Daniel Schlozman, Sam Rosenfeld, and Julia Azari note, modern parties are organizationally weak, with nonexistent engagement at the local level, which deeply hinders their ability to recruit and train party workers and candidates.⁸⁸

The national parties have built up their capacities in a bureaucratic sense, with professional staff, national offices, and hefty financial resources. But with access limited to policy-demanders, including issue activists and special interests, they are poor vehicles of broad representation.⁸⁹ And while the Democratic National Committee (DNC) and

84. See Zachary M. Bluestone, Note, *The Unscripted Evolution of Presidential Nominations: From Founding-Era Idealism to the Dominance of Party Primaries*, 39 *Harv. J.L. & Pub. Pol’y* 963, 981–87 (2016).

85. See Thomas E. Mann & Anthony Corrado, *Ctr. for Effective Pub. Mgmt.*, *Brookings*, *Party Polarization and Campaign Finance* 1, 9 (2014), https://www.brookings.edu/wp-content/uploads/2016/06/Mann-and-Corrado_Party-Polarization-and-Campaign-Finance.pdf [<https://perma.cc/XX3E-B2WJ>] (“In the immediate years after the [Federal Election Campaign Act], the parties increased their resources, which led to more substantial core staffs and programs of campaign assistance to candidates.”).

86. See Marshall Ganz, *Voters in the Crosshairs*, *Am. Prospect* (Dec. 19, 2001), <https://prospect.org/power/voters-crosshairs/> [<http://perma.cc/E7HA-JQ88>] [hereinafter *Ganz, Voters in the Crosshairs*] (noting that “[p]olling [enabled] politicians to learn voter opinions without attending to constituency leaders or the voters themselves” and thus made it “possible to ‘know’ the electorate without having a relationship with it”).

87. La Raja & Rauch, *supra* note 77, at 8.

88. See Daniel Schlozman & Sam Rosenfeld, *The Hollow Parties*, in *Can America Govern Itself?* 120, 121 (Frances E. Lee & Nolan McCarty eds., 2019) (discussing how party organizations have become organizationally weak and “weakly legitimized”); Julia Azari, *Weak Parties and Strong Partisanship Are a Bad Combination*, *Vox* (Nov. 3, 2016), <https://www.vox.com/mischiefs-of-faction/2016/11/3/13512362/weak-parties-strong-partisanship-bad-combination> [<https://perma.cc/B6VB-CXFG>] (discussing how partisan polarization is high despite party organizations being weak).

89. Kathleen Bawn, Martin Cohen, David Karol, Seth Masket, Hans Noel & John Zaller, *A Theory of Political Parties: Groups, Policy Demands and Nominations in American Politics*, 10 *Persps. on Pol.* 571, 574–75 (2012).

Republican National Committee (RNC) provide national party leaders with greater ability to determine the party's messaging and campaign content, mobilizing functions—including voter education and get-out-the-vote drives—are left to advocacy and interest groups or teams of volunteers during the campaign season.⁹⁰ This impacts the parties because it makes it more difficult to integrate the party rank-and-file (to the degree they even exist) into decisionmaking, further driving cynicism toward the parties, which are increasingly perceived as distant, corrupt, and beholden to big donors.

The associational party-building perspective builds on the calls of Nolan McCarty, Eric Schickler, and others—suggesting a re-examination of parties as intermediaries with ties both to government and society. For too long, the study of traditional party organizations has focused exclusively on electoral-legislative politics rather than the relationship of parties to citizens and civic groups.⁹¹

A. *Defining the Associational Party*

The *associational-party perspective* goes beyond thinking of parties as brands, ideological messengers, or even vote-getters. As Tabatha Abu El-Haj has written, associational parties are organizationally robust intermediaries that allow for meaningful interactions between elites and everyday members of the electorate.⁹² From this perspective, to be effective, parties must be able to pass policies that provide public goods and social benefits in accordance with what voters demand. Ultimately, policies are proof. They are how parties show that they are serving their constituents' needs. Policies ensure voter loyalty over time is based on responsiveness rather than identity. Associational party-building depends, therefore, on sustained linkages with civic groups, professional associations, and labor unions. Intermittent election mobilization is not enough. Associational parties seek the inclusivity and internal democratic commitments of the post-Civil Rights era with the interpersonally rich, retail-style politics of older parties that operated through socioeconomically integrated political networks.

An associational party has four components: First, associational parties cannot exist without state and local parties with year-round organizational capacity. While state and local parties have been neglected for years, scholars have increasingly called for greater attention to the structure, resources, and opportunities for such parties. A study of state parties by Raymond La Raja and Jonathan Rauch showed that state parties have

90. Cain & Gray, *supra* note 26, at 622, 628–29; Issacharoff, *supra* note 26, at 850–59.

91. Nolan McCarty & Eric Schickler, On the Theory of Parties, 21 *Ann. Rev. Pol. Sci.* 175, 190 (2018) (explaining why we need a better understanding of parties as intermediaries, characterized by relationships between parties and civic actors to fulfill a representative function).

92. Abu El-Haj, *Networking the Party*, *supra* note 20, at 1232.

been particularly adept at grassroots mobilization and collection of voter data, although many of their outreach and advertising efforts are edged out by candidates' campaigns and independent groups.⁹³ A working group of the Scholars Strategy Network emphasized that permanently staffed, local parties are fundamental to the party's broader goals, including cultivating leaders, recruiting candidates and volunteers, and building relationships with local civic groups.⁹⁴ Following these calls associational parties depend on a consistent presence in states and localities through a hierarchical relationship of party offices.

Second, associational parties require direct face-to-face communication and engagement with voters. These include, but are not limited to, party meetings and political events. State and local parties need the capacity to conduct activities beyond voter mobilization before elections. They need to engage with the public year-round to make party engagement "real" and to offer voters the expressive value of party membership. These party offices do not serve individual candidates or even election goals. Rather, state and local parties must build up the party as a presence and source of information and assistance.

Third, though related to the second, what distinguishes an associational party is that organizing activities often include other civic and community organizations, volunteer opportunities, and leisure activities. Associational party-building involves integrating civic associations into the party fold. In the past, state parties were sex-segregated, racially exclusionary clubs that entailed party bosses dispensing patronage.⁹⁵ These smoke-filled backroom types of parties, like union halls and bowling leagues, have long been in decline. Civic and community groups today are not likely to be explicitly affiliated with one of the major political parties. Instead, they are likely to be composed of activists, local movements, and people who have organized around specific or diffuse causes.

Relationships with these new civic associations, particularly those that are participatory or membership-based, are clearly beneficial to parties, who can tap into networks for volunteers, candidates, and promising leaders. Local parties can, and should, take on the leading role in partisan

93. See La Raja & Rauch, *supra* note 77, at 14 (noting that state parties no longer spend heavily on television advertising but instead focus their efforts on field mobilization).

94. Lara Putnam & Daniel Schlozman, Scholars Strategy Network, *Local Political Parties as Networks: A Guide to Self-Assessment* 1, 4–8, 11 (2020), https://scholars.org/sites/scholars/files/file-downloads/2020/05/Local_Parties.pdf [<https://perma.cc/EGU7-G9UJ>]; Kenneth T. Andrews, Hahrie Han, Alexander Hertel-Fernandez, Lara Putnam, Daniel Schlozman, Theda Skocpol, Vanessa Williamson, Sarah E. James, Caroline Tervo & Michael Zoorob, *How to Revitalize America's Local Political Parties*, Scholars Strategy Network (Jan. 30, 2019), <https://scholars.org/contribution/how-revitalize-americas-local-political-parties> [<https://perma.cc/5EJ7-67MU>].

95. See Hilton, *supra* note 83, at 90 (noting that prior to party reforms in the late 1960s, party politics was the province of "mostly white, male, middle-aged, and middle-class power brokers" who operated "in the party's smoke-filled rooms").

networks consisting of these individuals and groups, with the goal of cultivating ongoing, sustained relationships. The relationship between local parties and cultural organizations fosters cooperative relationships that can help sustain broader political involvement.⁹⁶ Activists and social movements succeed as “parties-in-the-street” when they are involved with and loyal to major parties.⁹⁷ Indeed, movements are likelier to succeed when tied to political parties.

Fourth and finally, associational parties must develop institutionalized mechanisms to listen to voters, providing voters a voice in shaping the party’s decisionmaking. It is critical that there is a two-way transmission of information between voters and parties and that there are incentives to generate greater responsiveness from party elites. These might take the form of “formal policy councils . . . , party-sponsored publications covering substantive topics . . . and biennial issue conferences,” as Schlozman and Rosenfeld suggest.⁹⁸ This might involve coordinated listening sessions with community leaders and voters. The Scholars Strategy Network recommends that local parties embrace division and disagreement, noting that there is rarely unity regarding policies and preferences.⁹⁹

Fostering consistent dialogue with voters not only provides a way for parties to understand what voters want—rather than relying on surveys and polls that ask pre-determined questions—but could also potentially change the nature of partisanship. Historically, partisanship has been good for democratic engagement and responsiveness.¹⁰⁰ People who are affiliated with parties feel a deeper sense of political efficacy.¹⁰¹ Moreover, parties channel diffuse demands into concrete policies.¹⁰² By contrast,

96. La Raja & Rauch, *supra* note 77, at 5.

97. Michael T. Heaney & Fabio Rojas, *Party in the Street: The Antiwar Movement and the Democratic Party After 9/11*, at 5 (2015) (arguing that a social movement’s identification with a specific party gives it a greater chance of success than a movement that is not identified with a party).

98. Schlozman & Rosenfeld, *supra* note 88, at 141.

99. Putnam & Schlozman, *supra* note 94, at 10 (advising that parties should “[d]evelop[] processes to share ideas and manage conflict” because “[d]isagreement and debate among members of the same party is normal”).

100. See Bernard Manin, *The Principles of Representative Government* 177 (1st ed. 1997) (“On the other hand, by requiring those who are elected to answer on a regular basis to those who elect them, the representative system gives voters the effective ability to dismiss rulers whose policies fail to meet with their approval.”).

101. See Nancy L. Rosenblum, *On the Side of the Angels: An Appreciation of Parties and Partisanship* 299 (1st ed. 2008) (“People must take active part in deliberation about policies and candidates. They must deliberate in person and collectively, under conditions of equality. They must offer justifications for men and for measures. The experience of deliberation, ‘inclusive, judgmental, and dialogic,’ is personally and collectively improving.” (emphasis omitted) (quoting Phillip Pettit, *Deliberative Democracy and the Discursive Dilemma*, 11 *Phil. Issues* 268, 269 (2001))).

102. See *id.* at 130 (“Parties promote governmental functions, seize opportunities to exercise governmental power, develop or respond to initiatives, provide rationales for them, and coordinate political action in legislatures to achieve these ends.” (footnote omitted)).

partisanship today has come to mean something quite different than a healthy attachment to a party.¹⁰³ Partisan polarization, or the ideological distance between the two parties, is at a record high.¹⁰⁴ Julia Azari describes our era as one of “weak parties” and “strong partisanship.”¹⁰⁵ In the electorate, voters display “affective” polarization, with party identification taking on the characteristics of a social identity.¹⁰⁶ Party identifiers today feel a strong sense of attachment to their party, while feeling animosity toward the other party; this, in turn, fuels further polarization.¹⁰⁷

Associational parties have the hope of offering voters benefits related to party affiliation. Some of these are expressive, like feeling a sense of agency or belonging. Others might be material, like the opportunity to advance a specific cause or policy from which an individual benefits.¹⁰⁸ Regardless, associational party-building has the potential to create more meaningful, productive partisan engagement and pressures parties to be more responsive to voters’ concerns and interests. Associational party-building may not be able to reduce affective polarization. Still, there is increasing evidence that face-to-face engagement has the potential to offset knee-jerk polarization and thus create partisanship that is based more on concrete political aims than on social identity.

B. *Associational Party-Building and Party Reform*

Party-building is onerous, and some may question whether it is feasible to reestablish dense party organizations in the United States, given the turn to candidate-centered campaigns. The rise of television, and now social media, along with changes in the flow of money in politics, have changed the function of political parties in America.¹⁰⁹ Candidates are

103. Jonathan White & Lea Ypi, *Rethinking the Modern Prince: Partisanship and the Democratic Ethos*, 58 *Pol. Stud.* 809, 823 (2010) (discussing new meanings of partisanship).

104. Jeffrey M. Jones, *Trump Third Year Sets New Standard for Party Polarization*, Gallup (Jan. 21, 2020), <https://news.gallup.com/poll/283910/trump-third-year-sets-new-standard-party-polarization.aspx> [<https://perma.cc/7VL8-HTEF>].

105. Azari, *supra* note 88.

106. See Lilliana Mason & Julie Wronski, *One Tribe to Bind Them All: How Our Social Group Attachments Strengthen Partisanship*, 39 *Advances Pol. Psych.* 257, 274 (2018).

107. Lilliana Mason, *Uncivil Agreement: How Politics Became Our Identity* 3–7 (2018); Shanto Iyengar, Yphtach Lelkes, Matthew Levendusky, Neil Malhotra & Sean J. Westwood, *The Origins and Consequences of Affective Polarization in the United States*, 22 *Ann. Rev. Pol. Sci.* 129, 139–41 (2019) (demonstrating animosity’s potency to polarize).

108. Matthew S. Levendusky & Dominik A. Stecula, *We Need to Talk: How Cross-Party Dialogue Reduces Affective Polarization* 4–6 (2021) (describing the ways that party affiliation allows for additional affective polarization).

109. Diana Dwyre, *Bipartisan Pol’y Ctr., Political Parties and Campaign Finance: What Role Do the Parties Play?* 11 (2017), <https://bipartisanpolicy.org/wp-content/uploads/2019/05/Political-Parties-and-Campaign-Finance-What-Role-Do-the-National-Parties-Play.-Diana-Dwyre.-Diana-Dwyre.pdf> [<https://perma.cc/3SSB-3MCL>] (showing how political parties have changed since *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010)).

able to mobilize voters without depending on party organization, while parties have become legal vehicles constructed for amassing donations.¹¹⁰ Operated by professionals, parties largely function to facilitate the electoral campaign (particularly the flow of money).¹¹¹ These shell parties are now facing new threats—threats to their control over campaign money, campaign messages, the selection of candidates, and their party label. Indeed, in the absence of strong party associations, parties have become far more responsive to affluent voters and special interests.¹¹²

One of the challenges to party-building has to do with party finance. Deregulation of campaign finance has weakened national parties since money (and power) now flows to extra-partisan groups and candidates rather than the parties themselves.¹¹³ Consequently, in intraparty contests, party leaders have lost ground to elected members fueled by their ideological base.¹¹⁴ Moreover, party rules governing candidate selection and rules governing campaign finance have both changed over time to empower outside groups at the expense of the party leadership.¹¹⁵

Another challenge arises out of recent scholarly trends downplaying the intermediary role parties play outside of elite politics. Close analysis reveals that parties' intermediary role is essential. Voters must be mobilized on election day for parties to win, but a party's capacity to mobilize voters has been usurped by other entities—candidates, Super PACs, and 501(c)(4) organizations.¹¹⁶ Parties have transformed into a service-oriented model, building up their institutional capacities to run campaigns. They need to coordinate among intraparty factions, but their relationships with voters—and even with groups that coordinate voters—have become attenuated (even nonexistent), having lost their organizational infrastructure at the local level to history. Unfortunately, typical reform proposals focus instead on changing the primary system and

110. See *id.* at 11–12.

111. See Rosenblum, *supra* note 101, at 241–46 (“The majority [in *Federal Election Commission v. Colorado Republican Federal Campaign Committee*, 533 U.S. 431 (2001)] redescribes parties as funnels from donors to candidates.”).

112. Dwyre, *supra* note 109, at 17–18 (“[P]arties’ committees have raised a good deal of their money from individuals making large contributions, with many of them giving over \$20,000 to the party committee in a two-year election cycle.”).

113. See La Raja & Rauch, *supra* note 77, at 4–6.

114. See Dwyre, *supra* note 109, at 17 (“Donors generally prefer to give contributions directly to candidates for access reasons, ideological reasons, or for the social benefits associated with attending fundraisers and meeting candidates and lawmakers.”).

115. See Cohen et al., *supra* note 76, at 706 (using Trump’s rise to illustrate how changes in campaign finance empower outsiders at the expense of traditional party leaders).

116. Kelly LeRoux, Note, Nonprofits as Civic Intermediaries: The Role of Community-Based Organizations in Promoting Political Participation, 42 *Urb. Affs. Rev.* 410, 418 (2007) (showing the influence nonprofits-as-intermediaries have on voting).

redirecting the flow of money to party leaders through further campaign finance deregulation.¹¹⁷

These scholarly views of political parties significantly shape the agendas of organizations and individuals seeking party reform, including election lawyers who consistently have a seat at the table when Congress engages in democratic reform.¹¹⁸ Still, key reform organizations, including the Brennan Center for Justice, have already noted the importance of building stronger parties at an associational level.¹¹⁹ Although Ian Vandewalker and Daniel I. Weiner's 2016 report took much from the "party decides" literature, it also urged reformers to focus their attention on parties as organizations that *include* competing interests rather than standing in isolation from them. They argue for parties that are "engines of broad participation in politics."¹²⁰

In sum, contemporary American political parties need to build "effective social networks and feedback loops through which the interests of ordinary Americans can be filtered up to party elites."¹²¹ Restoring confidence in the party system is impossible in the absence of responsiveness, and such responsiveness is undermined when party elites are socially and politically isolated from the citizens they serve.¹²² An ideal party organization creates more inclusive and socioeconomically integrated social networks.¹²³ Further, associational parties create feedback loops that ground party policies in voters' demands, delivering parties an advantage over other issue-advocacy groups.

For party-building to be successful, party leaders will need to see it as worthwhile to the goals and future of the party itself.¹²⁴ Fortunately, there are signs that parties are interested in extending their relationships with voters and local communities.¹²⁵ Parties have capitalized on trends like civic activism and technology to tap into broad networks and existing relationships, rekindling face-to-face politics and creating strong parties

117. See La Raja & Rauch, *supra* note 77, at 6–8; Cohen et al., *supra* note 76, at 704. 501(c)(4)s are also known as social welfare organizations.

118. Dan Roe, Perkins Coie's Marc Elias Became Every Democrat's Favorite Lawyer. Now He Wants to Reform Democracy Itself, *Law.com* (Feb. 1, 2021), <https://www.law.com/americanlawyer/2021/02/01/perkins-coies-marc-elias-became-every-democrats-favorite-lawyer-now-he-wants-to-reform-democracy-itself/> [<https://perma.cc/V4ZF-3DTP>] (explaining lawyers' involvement in electoral reform).

119. Ian Vandewalker & Daniel I. Weiner, Brennan Ctr. for Just., *Stronger Parties, Stronger Democracy: Rethinking Reform* 11–12 (2015) (on file with the *Columbia Law Review*) (explaining the importance of building at an associational level).

120. *Id.*

121. Abu El-Haj, *Networking the Party*, *supra* note 20, at 1232.

122. *Id.* at 1263–69.

123. *Id.* at 1271–72.

124. Abu El-Haj, *Possibilities for Responsive Party Government*, *supra* note 31, at 132 (showing how local Nevada parties have been revitalized).

125. *Id.* at 131–32.

adapted to the contemporary moment. Part III offers evidence from recent elections to show how parties have mobilized voters between elections, invested in state and local parties, and forged alliances with civic groups. Associational party-building is not only theoretically but also practically possible.¹²⁶

III. POSSIBILITIES FOR, AND SIGNS OF, ASSOCIATIONAL PARTY-BUILDING

Our central claim is that party organizations should foster deep ties to local communities. They should prioritize social interactions with communities and voters, and they should do so in ways that “listen” to the community. This requires investing in state and local parties as organizations with year-round offices, staff, and events. Organizational stability is essential for meaningful associational building—from cultivating volunteers, party officials, and candidates to listening to and enlisting members and shoring up ties to local communities. This Part presents evidence from recent elections that the two major parties are already engaged in associational party-building. Taken together, this evidence suggests that the proposed party reform strategies are feasible, even in the twenty-first century.

A. *Mobilize Voters Between Elections to Secure Party Strength*

Candidates have long understood the importance of building a ground game to recruit volunteers and coordinate turnout and mobilization activities for presidential primaries and elections. But democratic reformers cannot allow this work to be left to candidates or limited to campaign season. The 2020 election demonstrates state and local party presence made a difference in election outcomes: Parties were stronger where they canvassed door-to-door and worked through peer and local civic networks.¹²⁷

The comparison between the Democratic parties in Texas and Nevada is illustrative. In the absence of in-person canvassing, the Texas Democratic Party lacked the information necessary to turn out key supporters—a choice it ultimately determined undermined its ability to increase turnout.¹²⁸ In addition, Texas Democrats did not campaign for down-ballot candidates. As a result, Texas Democrats were ultimately disappointed by their 2020 results. In the suburbs of Houston and Dallas, where Democrats hoped to flip state legislative seats, many GOP voters only crossed party lines at the top of the ballot by voting for Biden.¹²⁹ Even though the party

126. *Id.* (reviewing comparable evidence from the 2018 election cycle).

127. *Id.* at 132 (showing how canvassing was a key element to success in Nevada).

128. Cavanagh, *supra* note 72, at 10.

129. 2021 Bum Steer of the Year: The Texas Democratic Party, *Tex. Monthly* (Jan. 2021), <https://www.texasmonthly.com/news-politics/2021-bum-steer-of-the-year-the-texas-democratic-party/> [<https://perma.cc/G58H-629D>] (explaining the woes of Texas Democrats during the 2020 election cycle).

was fighting an uphill battle in a state that overwhelmingly supports Republicans, Texas Democrats attributed these disappointing 2020 results to the information gaps arising from their weak mobilization effort.¹³⁰

By contrast, Nevada Democrats capitalized on recent changes to voter registration laws by launching a robust voter education program, which included bilingual public service announcements from elected officials and community leaders to encourage participation by mail and in person. They also created a bilingual website as a resource for voters and a “24/7” multilingual voter protection hotline that responded, in the final months, to more than 4,000 calls—answering voter questions and resolving voting issues in real time.¹³¹ These efforts were married with effective, face-to-face mobilization.

According to a memo from the Nevada Democrats, the party emphasized making voting fun. In Hispanic communities, they hosted horse parades, Zumba classes, band concerts, and Día de los Muertos celebrations. To cultivate votes among Asian American Pacific Islanders (AAPI), they planned events featuring speakers that included Nevada’s First Lady Kathy Sisolak, Olympic figure skater Michelle Kwan, and Assemblywoman Rochelle Nguyen. Efforts were also made to include tribal voices in non-Native-specific events. The party hired Native vendors for events, engaged local high school students, and integrated elected officials and tribal leaders. Most importantly, the party reportedly knocked on nearly 600,000 doors in the 2020 election season. That number rises to 1.2 million when factoring in the efforts of its long-standing labor partner, the Culinary Union, as well as other community organizers.¹³²

From the party’s perspective, this targeted outreach paid off, particularly among tribal communities in the state.¹³³ President Biden won Nevada’s six electoral college votes; the party won six of the ten state senate seats at stake and twenty-six of the forty-two state house seats. In addition, several progressive policies passed through ballot initiatives.¹³⁴ And it achieved all this success even though Nevada Republicans consistently outpaced Democrats in voter registration during the 2020 election cycle.¹³⁵

130. See Cavanagh, *supra* note 72, at 10 (explaining why in-person canvassing failed for the Democrats in Texas in 2020).

131. Press Release, NV Dems, *Democrats’ Success in Nevada the Result of Strategic Organizing* (Nov. 18, 2020), <https://nvdems.com/memo-democrats-success-in-nevada-the-result-of-strategic-organizing> [<https://perma.cc/53GS-3997>].

132. *Id.*

133. *Id.*

134. See Nevada 2020 Ballot Measures, Ballotpedia (Aug. 5, 2022), https://ballotpedia.org/Nevada_2020_ballot_measures [<https://perma.cc/MN6U-8QD5>] (showing Nevada ballot outcomes).

135. See Nicholas Riccardi, *Republicans See Bright Spot in 2020 Voter Registration Push*, PBS NewsHour (Oct. 20, 2020), <https://www.pbs.org/newshour/politics/republicans-see-bright-spot-in-2020-voter-registration-push> [<https://perma.cc/8C8L-EX6Q>] [hereinafter

These kinds of efforts are not limited to the Democratic Party. The Republican Party in Florida also invested heavily in mobilization in the 2020 election cycle. As early as March 2020, despite the national shutdown and uncertain scope of the coronavirus pandemic, Florida Republicans determined that they would not deviate from their expansive mobilization strategy that included knocking on doors and in-person campaigning.¹³⁶ Republicans in the state gained 146,644 registered voters over Democrats between March and November 2020, leaving Florida Democrats “with their smallest overall lead in party registrations since the state began tracking them in 1972.”¹³⁷ Florida Republicans, moreover, focused on “non-traditional Republican voter groups like conservative Jewish voters, parents of school-aged children attending the state’s charter schools, Hispanics (including non-Cuban Hispanics), and Black voters in targeted Florida counties.”¹³⁸ In Miami-Dade County, this effort resulted in significant gains for Republicans, as two incumbent Democratic congresswomen were defeated by their Republican opponents.¹³⁹

Building an associational party requires extending this kind of mobilization beyond the election cycle. Organizing needs to continue between elections. There is good reason to attribute the success of Democrats in Nevada to decades of party organizing. The Nevada State Democratic Party’s emphasis on cultivating associational ties can be attributed to former Senate Majority Leader Harry Reid, a relatively old-school party boss.¹⁴⁰ During his tenure, Reid worked to build a strong statewide party that talked to people year-round.¹⁴¹ Reid’s focus was two-fold: recruiting

Ricardi, Republicans See Bright Spot] (describing Republican voter registration progress in “critical presidential battleground states” including Nevada).

136. See Stephanie Saul, Behind in the Polls, Republicans See a Silver Lining in Registration, *N.Y. Times* (Oct. 19, 2020), <https://www.nytimes.com/2020/10/19/us/politics/vote-registration-Florida-North-Carolina-Pennsylvania.html> (on file with the *Columbia Law Review*).

137. Riccardi, Republicans See Bright Spot, *supra* note 135.

138. See David Smiley, Trump’s Top Florida Strategist Says Win Shows Republicans Should Be a “Big Tent” Party, *Mia. Herald* (Nov. 6, 2020), <https://www.miamiherald.com/news/politics-government/article247022782.html> (on file with the *Columbia Law Review*).

139. See *id.*

140. See Michelle L. Price & Nicholas Riccardi, Harry Reid’s Political Machine Keeps Humming in Nevada, *AP News* (Nov. 19, 2018), <https://apnews.com/article/77d6ebe3913149cda87cc67bc1534a4e> [<https://perma.cc/XCU2-VVTW>] (attributing Democrats’ 2018 midterm success to Harry Reid “us[ing] the national cash flowing in to build a strong state Democratic Party and bolster a network of pro-immigrant and environmental organizations”).

141. See Abu El-Haj, Possibilities for Responsive Party Government, *supra* note 31, at 131–32 (arguing that former DNC Chairman Thomas Perez’s “explicit call to follow former Senator Harry Reid’s lead in Nevada reveals [his] goal . . . to create a state party that is talking to people year-round” (internal quotation marks omitted) (quoting former DNC Chairman Thomas Perez)).

strong candidates and forging strong ties with a union that cultivates active membership and grassroots leadership.¹⁴²

As a general matter, however, voter outreach between elections is an area of party weakness.¹⁴³ American parties devote few resources to maintaining contact with voters at the grassroots between elections. This oversight persists, even though parties with deep and broad partisan networks do well in elections. At the national level, parties' ground game in elections is often limited to likely voters in swing states during election cycles, with a special focus on those with higher incomes and education levels.¹⁴⁴ Recent research indicates that the voter registration and consumer lists that parties use to reach out to voters exclude upwards of eleven percent of Americans; these "politically invisible" individuals tend to be non-white, poorer, and less politically engaged.¹⁴⁵ Parties are unlikely to ever contact these voters, absent widespread changes in strategy.

The bottom line is that American parties are underperforming when it comes to broadening and strengthening their grassroots engagement with the electorate between elections—a failure that fuels the disenchantment many Americans are experiencing with our parties.¹⁴⁶ There are interesting exceptions. The Nevada Republican Party, for example, has been devoting resources to engaging voters between elections. Most county Republican parties in Nevada hold regularly scheduled meetings. Clark County Republicans, for example, frequently publicize events with conservative speakers, debate-watching-parties, and even murder mystery dinner fundraisers, according to their Facebook page.¹⁴⁷ By early 2020, the Nevada Republicans regularly organized "MAGA Meet-Ups," often in partnership with other community organizations supporting former President Trump.¹⁴⁸ Frequently advertised by county parties, these events appear to have functioned as an effective form of peer-to-peer mobilization while

142. See *id.* ("The Nevada Democratic Party's recent successes derive from its rich associational network: an old-style party boss with a particular eye for good candidates in former Senator Reid and a powerful, aggressive, and participatory union . . .").

143. See *supra* notes 86–90 and accompanying text.

144. See, e.g., Ganz, *Voters in the Crosshair*, *supra* note 86, *passim* (summarizing the trends).

145. Simon Jackman & Bradley Spahn, *Politically Invisible in America*, 54 *Pol. Sci. & Pol.* 628 *passim* (2021).

146. While one might argue that the high turnout is an indication that people feel connected to parties, high turnout is often candidate-centered; further, there are very few ways for voters to interact with parties outside elections. There are few local offices or party activities, and parties do little to maintain a presence among voters until the weeks before elections. Cf. Andrews et al., *supra* note 94 ("Across the country, parties exist on paper as sets of offices at county, city, and precinct levels, but often nobody is home or doing anything except during the height of election seasons.").

147. Clark County Republican Party of Nevada, Facebook, <https://www.facebook.com/theccrp> [<https://perma.cc/PG3Z-UF9E>] (last visited Sept. 13, 2022).

148. See, e.g., Henderson, Nevada—MAGA Meet Up: Vice Presidential Debate Watch Party, Nev. Republican Party (Oct. 7, 2020), <https://nevadagop.org/event/henderson-nevada-maga-meet-up/> [<https://perma.cc/GHN6-JVVM>].

also providing funding for canvassing and recruitment efforts by selling tickets and hosting raffles.

Meanwhile, in Florida, Republicans opened the Black American Community Center in Jacksonville as part of an effort by the City Council President, a Black Republican, to ramp up GOP minority outreach efforts.¹⁴⁹ The centers are intended as a “place . . . to come in and have a conversation” about non-partisan priorities like increasing public safety, creating new jobs, improving schools, and investing in all neighborhoods.¹⁵⁰ They will be “used for events like financial literacy seminars, immigration law sessions and lunar New Year celebrations,” rather than focusing exclusively on campaign activities.¹⁵¹ The goal is to help the party connect with communities that traditionally eschew the party.¹⁵² The effort is one of twenty minority-focused centers that are part of an RNC initiative to build on “positive gains made with Black voters” in 2020.¹⁵³

B. *Invest in State and Local Parties as Organizations*

State and local parties must also be strong as organizations in order to be capable of meaningful associational party-building. Organizational stability is essential not only for the sort of year-round canvassing just discussed but also for cultivating volunteers and grooming party officials and candidates. This requires social and financial investment. Mobilization and coalition-building require staff, offices, and the capacity to hold events. Organizational strength depends on there being people, with relationships in the local community, to do the work, but it also requires a steady flow of money. And it involves cultivating future party leaders as well as candidates.

Financial investment in state parties by the national parties has long been intermittent and not the primary source of state-party funding. A comprehensive study of state-party financing commissioned by the Bauer

149. Steve Patterson, Republicans Open Black Center in Jacksonville as Part of National Outreach to Minority Voters, Fla. Times-Union (Feb. 26, 2022), <https://www.jacksonville.com/story/news/politics/elections/2022/02/26/seeking-black-votes-gop-opens-jacksonville-florida-community-center/6917623001/> [<https://perma.cc/VYC5-XAFG>].

150. Id.

151. Id.

152. Id.

153. Anoa Changa, GOP Opening Community Centers to Engage Black Voters as Patience With Biden Administration Wears Thin, Republican Nat'l Comm. (Oct. 18, 2021), <https://gop.com/blog/gop-opening-community-centers-to-engage-black-voters-as-patience-with-biden-administration-wears-thin> (on file with the *Columbia Law Review*) (noting that the RNC has opened similar community centers in Black and AAPI communities in Georgia); see also Alexander Sammon, The RNC's Ground Game of Inches, Am. Prospect (June 1, 2022), <https://prospect.org/politics/rncs-ground-game-of-inches-convert-minorities-into-republicans/> [<https://perma.cc/996Z-XG2X>] (noting that “[t]he RNC’s community center model works year-round rather than just the month before the election,” by providing a community center and “doling out free pizza,” rather than “pester[ing] voters at home”).

Ginsburg Campaign Finance Research Task Force in May 2017 found that state parties have consistently relied on individual, corporate, and labor-union donors, depending on what is permitted under state law, for the bulk of their funds to support state and local elections.¹⁵⁴ Moreover, Raymond J. La Raja and Jonathan Rauch have shown that state party operating expenditures declined sharply after the Bipartisan Campaign Finance Reform Act of 2002 because state parties now face tightened regulatory restrictions and increased competition from individual candidates' campaigns and outside groups' independent expenditures.¹⁵⁵

Still, after years of reducing their support for them, both the RNC and DNC are taking steps to deepen their commitment to state parties. Ahead of the 2020 election, the RNC expanded its efforts to provide state parties free access to its voter data as well as its other resources.¹⁵⁶ The program was billed as an initiative to strengthen the party from the ground up, emphasizing "taking a bottom-up approach to distributing resources among states" and listening to the needs of state parties.¹⁵⁷ In 2020, the RNC worked with the Trump Victory Committee and state Republican officials to coordinate all election activities under one organization.¹⁵⁸

In February 2019, the DNC announced a landmark data-sharing agreement, allowing candidates, state parties, the DNC, and the progressive ecosystem to access a database combining all the contact work of the

154. Edwin Bender, Calder Burgam, Ciara O'Neill, Pete Quist, Denise Roth Barber, Greg Schneider & J. T. Stepleton, *Nat'l Inst. on Money in State Pol., Funding the State Political Party Committees Pre- and Post-BCRA, 1999–2016*, at 3–4 (2017), <https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2019/05/Funding-the-State-Political-Party-Committees-Pre-and-Post-BCRA-Bender-National-Institute-on-Money-in-State-Politics..pdf> [<https://perma.cc/KT6J-CMQX>]. The authors observe that although the Bipartisan Campaign Finance Reform Act of 2002 sharply curtailed the flow of national party funds to state parties, the affected funds were "pass-through funds that were not principally for the support of state parties' basic operations." *Id.* at app. A, at 49.

155. La Raja & Rauch, *supra* note 77, at 5–13.

156. Sam Dorman, *GOP Ramping Up Grassroots, State-Level Efforts With New Initiative Before 2020*, Fox News (May 29, 2019), <https://www.foxnews.com/politics/exclusive-gop-ramping-up-grassroots-efforts-with-new-initiative-before-2020> [<https://perma.cc/8YSN-YYW9>].

157. *Id.* The Republican Party's centralized voter database is accessible to state and local candidates and parties. See Gopal Ratnam, *Republicans and Democrats Battle Over Who Has Better Voter Data Effort*, Roll Call (July 29, 2020), <https://rollcall.com/2020/07/29/republicans-and-democrats-battle-over-who-has-better-voter-data-effort/> [<https://perma.cc/74F6-VUJV>] ("The RNC trains campaign volunteers and outside activists on how to use its data and models, and how to localize them to their efforts. The committee now boasts dozens of data specialists at the local, state and national levels . . ."). The Republican Party also rolled out a centralized fundraising platform, WinRed, to enable individual donations, including for state and local races. See Alex Isenstadt, *GOP to Launch New Fundraising Site as Dems Crush the Online Money Game*, Politico (June 24, 2019), <https://www.politico.com/story/2019/06/23/republicans-win-red-2020-1377058> [<https://perma.cc/5TT8-9EZW>].

158. Alex Isenstadt, *Trump Launches Unprecedented Reelection Machine*, Politico (Dec. 18, 2018), <https://www.politico.com/story/2018/12/18/trump-machine-swallows-1067875> [<https://perma.cc/Y3ZE-EDKU>].

entire partisan network.¹⁵⁹ The party also established “Battleground Build-Up 2020” for the 2020 election, which hired field organizers, funded data collection, and opened offices in fourteen “battleground” states.¹⁶⁰ These DNC investments were bolstered by big donors, who had become persuaded by the strategic value of investing in state parties (compared to independent groups) in terms of longer-term coalition building, cultivating volunteers, and providing legal protection for voters.¹⁶¹

The DNC also announced, in 2019, its plans to build on prior investments in state party organizing with a new program, Organizing Corps 2020, focused on battleground states.¹⁶² While it is unclear how effective the program ultimately was in the face of the COVID-19 pandemic, Organizing Corps 2020 was conceived as a multiyear effort to recruit and train a diverse group of college students, including from historically black colleges and universities, to be field organizers and, according to DNC Chair Thomas Perez, “build a powerful pipeline of young talent . . . who will become our future leaders and grow the party.”¹⁶³

Then, in May 2021, the DNC committed to providing \$23 million to state parties while creating an additional fund for historically Republican states, including \$2 million in direct investment in states where Republicans dominate.¹⁶⁴ Interestingly, the DNC’s approach was foreshadowed by Howard Dean.¹⁶⁵ In 2005, Howard Dean, then-chairman of the DNC, proposed a fifty-state strategy to develop the infrastructure of the

159. See Bill Barrow, Democrats to Launch New Voter Database With Dean at the Helm, AP News (Feb. 13, 2019), <https://apnews.com/article/9a47a0def9234e338bc72053e86f221f> [<https://perma.cc/AT3W-WWBZ>]; Press Release, DNC, DNC and State Parties Announce Historic Agreement on Democratic Data (Feb. 13, 2019), <https://democrats.org/news/dnc-and-state-parties-announce-historic-agreement-on-democratic-data/> [<https://perma.cc/G7GB-YCZ7>].

160. See Press Release, DNC, DNC Announces “Battleground Build-Up 2020” (Jan. 22, 2020), <https://democrats.org/news/dnc-announces-battleground-build-up-2020/> [<https://perma.cc/YRH6-8TYZ>]; Press Release, DNC, DNC Announces Second Round of “Battleground Build-Up 2020” Investments (Feb. 25, 2020), <https://democrats.org/news/dnc-announces-second-round-of-battleground-build-up-2020-investments/> [<https://perma.cc/B9RW-5XLC>].

161. See Elena Schneider, David Siders & Zach Montellaro, State Democrats Mount Big Comeback in 2020, Politico (July 20, 2020), <https://www.politico.com/news/2020/07/30/dems-pour-record-cash-into-battleground-state-parties-389082> [<https://perma.cc/F3ZC-U757>] (describing state Democratic party officials’ successful efforts to solicit large contributions during the 2020 election cycle).

162. Press Release, DNC, DNC Launches New Program: Organizing Corps 2020 (Feb. 21, 2019), <https://democrats.org/news/dnc-launches-new-program-organizing-corps-2020/> [<https://perma.cc/8N2M-3V3H>].

163. *Id.*

164. Tal Axelrod, DNC Announces Funding Agreement With State Parties, Hill (May 12, 2021), <https://thehill.com/homenews/campaign/553234-dnc-announces-funding-agreement-with-state-parties/> [<https://perma.cc/YLE7-XWL6>].

165. See *id.* (“The plan . . . is emblematic of [the] 50-state strategy employed by Howard Dean, the former Vermont governor and DNC chairman who helped Democrats win the House majority in 2006.”).

Democratic Party throughout the country.¹⁶⁶ However, many prominent party strategists at the time rejected his approach, choosing instead to invest in more competitive states.¹⁶⁷

The key to assessing the value of these investments is unpacking how all of this money is being spent in the states. This is surprisingly difficult. We do know that the Democratic Party of Georgia hired seven new full-time positions for a slate of political and organizational posts around the state in early May 2021.¹⁶⁸ The state party now has the most staffers it has ever had during an off-election year, and the new hires include both “veteran operatives and younger staffer[s] as part of a broader effort to expand year-round campaign efforts.”¹⁶⁹ In general, however, state parties remain seriously understaffed, particularly following elections: In Ohio, for example, the Democratic party cut its staff from twenty to eight earlier this year.¹⁷⁰

The bottom line is that it is critical for national parties to invest in state and local parties. One reason, in particular, is that strong parties at the state and local levels are key to the social investment required for associational party-building.

State and local parties play a critical role in both cultivating party leaders and recruiting strong future candidates. Elections featuring a “hometown” candidate tend to see higher voter-turnout rates and an uptick in mobilization efforts, particularly among new voters.¹⁷¹ And these

166. See Matt Bai, *The Inside Agitator*, N.Y. Times Mag. (Oct. 1, 2006), <https://www.nytimes.com/2006/10/01/magazine/01dean.html> (on file with the *Columbia Law Review*) (“Under this program, the [Democratic] national party is paying for hundreds of new organizers and press aides for the state parties, many of which have been operating on the edge of insolvency[,] . . . in every state in the country.”); Joe Conason, *Howard Dean, Vindicated*, Salon (Nov. 10, 2006), https://www.salon.com/2006/11/10/dean_dems/ [<https://perma.cc/V8Z5-ZNXW>] (describing the successful results of Dean’s strategy to invest in field organizers and training in every state in the 2006 election cycle).

167. See Naftali Bendavid, *The House Rahm Built*, Chi. Trib. (Nov. 12, 2006), <https://www.chicagotribune.com/politics/chi-0611120215nov12-story.html> [<https://perma.cc/Z642-PW3M>] (describing then-Representative Rahm Emanuel’s fierce opposition to Dean’s fifty-state strategy).

168. Greg Bluestein, *Georgia Democrats Are Staffing Up as a Pivotal 2022 Election Looms*, Atl. J.-Const.: Pol. Insider (May 3, 2021), <https://www.ajc.com/politics/politics-blog/georgia-democrats-are-staffing-up-as-a-pivotal-2022-election-looms/F4VCQF6WXNC4VOTT2Y5DPRAIM/> [<https://perma.cc/668E-J25D>].

169. *Id.*

170. Liz Skalka, *Ohio Democratic Party Is Laying Off More Than Half Its Staff*, Toledo Blade (Jan. 29, 2021), <https://www.toledoblade.com/local/politics/2021/01/29/Ohio-Democratic-Party-is-laying-off-more-than-half-its-staff/stories/20210129116> (on file with the *Columbia Law Review*).

171. See, e.g., Tom W. Rice & Alisa A. Macht, *The Hometown Advantage: Mobilization or Conversion?*, 9 Pol. Behav. 257, 261 (1987) (finding a substantial “hometown advantage” in 1982 gubernatorial election data likely linked to both new-voter mobilization and traditional-voter conversion). Other organizations aim to capitalize on the hometown advantage effect by connecting well-known figures with political campaigns in their hometowns to drive voter turnout in local elections. See About Us, *The Hometown Project*, <https://>

candidates often enjoy a certain degree of party conversion—that is, some voters that are traditionally loyal to another party cross party lines to vote for a local candidate.¹⁷² Thus, hometown candidates often enjoy support from a wider ideological range, potentially allowing them to be more effective for, and responsive to, voters. Hometown candidates may also be best positioned to establish and maintain feedback loops and respond to the needs of a community with authenticity. Other organizations can, of course, provide pipelines for aspiring politicians, but parties have an incentive to integrate people into the party itself.

A recent report by Third Way, the Collective PAC, and the Latino Victory Fund shows how investment in local candidates is effective for the party overall. The report found that Democratic congressional candidates with “strong, homegrown biographies” and “local knowledge” outperformed the Democratic presidential candidate.¹⁷³ Further, Democrats did better where there was year-round canvassing and worse where they did not raise awareness of the Democratic Party brand.¹⁷⁴ This strategy was a dramatic reversal from years before, when the Democratic Party focused on running up margins in Democratic urban precincts and largely ignoring rural, Republican districts.¹⁷⁵

Parties seek to capture electoral majorities, mobilizing primarily where there are opportunities for gains.¹⁷⁶ Electoral losses, therefore, are

www.thehometownproject.org/about [https://perma.cc/G7NM-SY5S] (last visited Jan. 26, 2022).

172. Rice & Macht, *supra* note 171, at 261.

173. See Third Way, 2020 Post-Election Analysis 24–25 (2021), <https://thirdway.imgix.net/pdfs/override/2020-Post-election-Analysis-Reader.pdf> [https://perma.cc/3KYN-HZRY]. Additionally, an analysis of 2016, 2018, and 2020 election data found that fielding Democratic candidates for state legislative races had a small but significant effect on the vote share earned by the top-of-the-ticket candidate. See For Our Future & Run for Something, BlueLabs Analytics, Reverse Coattails Effect 2016–2020, at 4, 13–14 (2021), https://runforsomething.net/wp-content/uploads/2022/03/Reverse_Coattails_RFS_FOF_Deck_Final-1.pdf [https://perma.cc/682C-RMGM].

174. See Third Way, *supra* note 173, at 24–25, 28; Press Release, Third Way, New 2020 Election Retrospective From Third Way, The Collective PAC, and Latino Victory Reveals Challenges and Opportunities for Democrats (June 4, 2021), <https://www.thirdway.org/press/new-2020-election-retrospective-from-third-way-the-collective-pac-and-latino-victory-reveals-challenges-and-opportunities-for-democrats> [https://perma.cc/D2XL-ERCP].

175. See Alex Roarty, Rural Democrats: Party Ignored Us, Suffered the Consequences, Roll Call (Nov. 29, 2016), <https://rollcall.com/2016/11/29/rural-democrats-party-ignored-us-suffered-the-consequences/> [https://perma.cc/K3F4-3G59] (identifying the Democratic party’s failure to invest in rural regions as a primary driver of the party’s electoral losses in 2016); see also Gregory S. Schneider, “Malevolent Neglect”: Are Virginia Democrats Letting Rural Areas Slip Away?, Wash. Post (Oct. 8, 2017), <https://www.washingtonpost.com/local/virginia-politics/malevolent-neglect-are-virginia-democrats-letting-rural-areas-slip-away/> 2017/10/08/702d3d96-a9e7-11e7-92d1-58c702d2d975_story.html (on file with the *Columbia Law Review*) (discussing the Virginia Democratic Party’s internal party divisions over regional resource allocation).

176. This is a well-established dictum in political science. See generally Aldrich, *supra* note 19, *passim* (suggesting the need for legislative coordination through parties to secure

often an impetus for associational party-building. Georgia Republicans, for example, are scrambling to capitalize on a swell of newcomers at nearly every GOP membership meeting in the state.¹⁷⁷ David Shafer, the state GOP chair, said the district meetings saw record turnout and that roughly half of the participants were first-timers.¹⁷⁸ And even when candidates fully expect to lose, local and state parties can organize behind candidates whose goal is to “lose by less.”¹⁷⁹

In the wake of losses, parties also often search for more compelling candidates. This was the reaction of the Florida Democratic Party (FDP) in the wake of its losses in 2018.¹⁸⁰ The party recruited nontraditional (i.e., female) candidates and ensured they had a candidate in almost every statehouse race, even in deep red districts.¹⁸¹ For example, Kelly Johnson, a single mother of eight who voted Republican as recently as Florida’s 2018 gubernatorial race, ran for the Florida State House of Representatives as a Democrat.¹⁸² Johnson lost in November 2020,¹⁸³ but she and the FDP viewed her purpose as more of a Democratic field organizer than a candidate.¹⁸⁴ Karen Butler, a twenty-year Air Force veteran, was the first Democrat to compete in Florida Senate District 1—a conservative panhandle district—in two decades.¹⁸⁵ She also lost.¹⁸⁶ Nevertheless, after the general election in November 2020, the FDP praised the Municipal Victory

electoral majorities); Anthony Downs, *An Economic Theory of Democracy* (1957) (establishing the median voter theorem and the proposition that parties will seek to capture majorities by positioning themselves in the middle of the left–right policy spectrum); Otto Kirchheimer, *The Transformation of the Western European Party Systems*, in *Political Parties and Political Development* 177, 184 (Joseph LaPalombara & Myron Weiner eds., 1966) (describing parties seeking to moderate their positions so as to capture majorities).

177. See Greg Bluestein, *A Surge of Newcomers Pack Georgia GOP Meetings Across State*, *Atl. J.-Const.: Pol. Insider* (May 16, 2021), <https://www.ajc.com/politics/politics-blog/a-surge-of-newcomers-pack-georgia-gop-meetings-across-state/UEDLCU5MIZDL7MVYSZT67HVZBY/> [https://perma.cc/ZET7-J7U7] (“Fury over Trump’s narrow defeat combined with anger at President Joe Biden’s administration helped bring a surge of new faces to the . . . meetings . . .”).

178. *Id.*

179. Bobby Caina Calvan, *Florida Democrats Running to Boost Biden From the Bottom Up*, *Wash. Post* (July 21, 2020), https://www.washingtonpost.com/politics/florida-democrats-running-to-boost-biden-from-the-bottom-up/2020/07/21/c3948f70-cb09-11ea-99b0-8426e26d203b_story.html (on file with the *Columbia Law Review*).

180. *See id.*

181. *See id.*

182. *Id.*

183. 2020 Florida State House—District 65 Election Results, *USA Today* (Nov. 3, 2020), https://www.usatoday.com/elections/results/race/2020-11-03-state_house-FL-10267/ [https://perma.cc/57GN-C2JW] (last updated Nov. 17, 2020).

184. *See Calvan*, *supra* note 179.

185. *Id.*

186. 2020 Florida State Senate—District 1 Election Results, *USA Today* (Nov. 3, 2020), <https://www.usatoday.com/elections/results/2020-11-03/state/florida/> [https://perma.cc/CKZ5-R2ZW] (last updated Nov. 17, 2020).

Program for its role in electing 225 Democrats to “local, municipal, and county offices across Florida.”¹⁸⁷

Strong party organizations are also more capable of making their presence felt in the community by engaging in year-round mobilization and coalition building, cultivating leaders, and nurturing a pipeline of compelling candidates. The Harris County Democrats have undertaken one such effort. Rather than relying exclusively on charismatic candidates like Beto O’Rourke (or outside groups like the Texas Organizing Project),¹⁸⁸ Harris County Democrats, in recent years, have been building the party by reviving dormant local Democratic clubs and forming new clubs.¹⁸⁹ Club activity centers around year-round organizing, including monthly meetings with candidates or elected officials to discuss the most important issues to club members.¹⁹⁰ Democratic clubs also are tasked with “finding and empowering Precinct Chairs,”¹⁹¹ a Democratic Party office elected every two years to serve on the Harris County Democratic party (HCDP) County Executive Committee.¹⁹² While the Harris County Democratic clubs are community based, they are typically made up of one or more Harris County precincts in the same geographic area, usually with a generally homogenous socioeconomic makeup.¹⁹³ To restore moderation, organizing will eventually need to build across geographic

187. Florida Democrats Win 225 Local and Municipal Races Across Florida, Florida Dems (Nov. 5, 2020), <https://www.floridadems.org/2020/11/05/florida-democrats-win-225-local-and-municipal-races/> [<https://perma.cc/HBD3-NXNE>].

188. See *infra* notes 202–206 and accompanying text.

189. See About Us, Bayou Blue Democrats, <https://bayoubluedems.com/about-us/> [<https://perma.cc/FCA4-6BM4>] (last visited Aug. 24, 2022) (showing that the Bayou Blue Club, formed in 2016, now “hold[s] monthly club meetings with elected officials, candidates and local experts”); Celebrating 70 Years!!!, Area 5 Democrats, <http://www.area5democrats.com/> [<https://perma.cc/YT6M-65FX>] (last visited Aug. 24, 2022) (describing Area 5 Democrats as a seventy-year-old club, which began running consistent, full-field campaigns starting in 2016). See generally About BAND, Bay Area New Democrats, https://www.bayareanewdemocrats.org/content.aspx?page_id=22&club_id=966768&module_id=344894 (last visited Aug. 24, 2022) [<https://perma.cc/3M67-JFFX>] (explaining that “[t]he club sponsors rallies, town hall meetings, fundraisers and social events as well”).

190. See *supra* note 189.

191. Bayou Blue Democrats, *supra* note 189.

192. Become a Precinct Chair, Harris Cnty. Democratic Party, <https://www.harrisdemocrats.org/precinct-chair-signup#no-back> [<https://perma.cc/7C98-R79J>] (last visited Aug. 24, 2022).

193. See About Us, Area 5 Democrats, <http://www.area5democrats.com/about-us> [<https://perma.cc/PX6A-ESZ4>] (last visited Aug. 24, 2022) (describing Area 5 as being located in the southeast part of Harris County); Bayou Blue Democrats, *supra* note 189 (describing the club as beginning as a “group of neighbors” and now representing precincts in the same geographic area); Exploring the Legacy of Redlining in Houston, Understanding Houston (Feb. 10, 2021), <https://www.understandinghouston.org/blog/legacy-of-redlining-in-houston> [<https://perma.cc/2AFS-GMUU>] (“In the Houston Area, there are neighborhoods fewer than 15 miles apart in which . . . future income differs by \$50,000 for low-income children.”).

regions—in Harris County and the United States—to bridge the growing chasm between urban–inner-suburban and rural–outer-suburban divides.

C. *Forge Alliances With Existing Civic Infrastructure*

An associational measure of party strength emphasizes the need for parties capable of facilitating meaningful interactions between elites and everyday members of the electorate. Political parties with robust links to grassroots associations in civil society are in a much better position to attain this goal and address the crisis of representation. This strategy is particularly necessary given the social and cultural transformations that have taken place since the high point of old-style organizational parties.¹⁹⁴

American parties that seek to mobilize the electorate and sustain political mobilization between elections must tap into the political energy that voters direct to civic associations and issue-based organizations.¹⁹⁵ Parties that connect, in particular, to community-based or membership groups are much more likely to successfully engage in associational party-building. The Texas Democrats, once again, illustrate the point. Demographic changes are only part of the Texas Democratic Party's story;¹⁹⁶ the other part is a story of organizing hand-in-hand with local civic groups. Without this organizational work, it is hard to imagine either Beto O'Rourke's 2018 campaign or Biden's 2020 gains in Texas.¹⁹⁷ Indeed, it is

194. The rise of foundation funding in the 1960s and 1970s encouraged the formation of professionally staffed civic associations to replace the class-integrated federated membership organizations, centered around recreational activities, that dominated American civic life for the previous century. This combined with the decline in public sector union membership in ways that made everyday Americans more disengaged from both civic and political life. For more on Americans' disengagement from civic and political life, see generally Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (2000); Theda Skocpol, *Diminished Democracy: From Membership to Management in American Civic Life* 229–39 (2003).

195. See generally Hahrie Han, Elizabeth McKenna & Michelle Oyakawa, *Prisms of the People: Power and Organization in Twenty-First Century America* (2021) (studying six examples of grassroots mobilization efforts resulting in successful exertions of political power by otherwise marginalized groups). To clarify, when political parties work with campaign-focused allied groups—Super PACs and candidate PACs but also ideological allies and even issue-advocacy groups—they are not necessarily engaged in associational party-building. This is because most of these groups are professionalized interest groups that lack participatory members. See *supra* note 194. The Democratic Party's engagement with the ACLU or the Brennan Center thus would not count as associational party activity whereas the Republican Party's engagement with the National Rifle Association's local rifle clubs would be akin to the Democratic Party's relationship with unions.

196. See Juan Carlos Huerta & Beatriz Cuartas, *Red to Purple? Changing Demographics and Party Change in Texas*, 102 *Soc. Sci. Q.* 1330, 1345 (2021) (“A shrinking older white population, a more Democratic identifying younger white population, and a growing POC population helps explain why Democrats have been making gains—there is a generational and demographic replacement occurring.”).

197. See Eliza Oehmler & Michael Zoorob, *The Texas-Sized Impact of Beto O'Rourke's 2018 Senate Campaign*, in *Upending American Politics: Polarizing Parties, Ideological Elites, and Citizen Activists From the Tea Party to the Anti-Trump Resistance* 237, 256

also hard to explain how turnout in Texas was at 60.2% of the voting-eligible population (over five percentage points higher than its previous record) given the state's relatively strict voting rules, including restrictive access to mail-in ballots, without the organizational story.¹⁹⁸

Civic associations, particularly those grounded at the grassroots level (like churches, food banks, and membership groups like the National Rifle Association), operate with significantly more substantial ties to a broader electorate. Indeed, those not located in Washington, D.C. and run by professionals often serve the social functions of the parties of the mid-twentieth century—pubs, clubs, and social activities.¹⁹⁹ They also serve other important functions, including educating, politicizing, and mobilizing voters; monitoring politics; and maintaining mobilization between elections.²⁰⁰ And they can step into roles once played by membership organizations and unions in terms of helping parties write platforms and draft legislation that speaks to the interests of the everyday Americans who vote for the party on Election Day.²⁰¹ Through deeper ties with associations, parties can better listen to their members and manage competing interests and factions within their ranks.

Connections to civic associations also create important feedback loops between party officials and the party base, promising to better secure policy responsiveness for the electorate and electoral success for the party. Indeed, despite the Texas Democrats' pandemic-related missteps in 2020, Texas would not be competitive today without a decade of organizing year-

(Theda Skocpol & Caroline Tervo eds., 2020) (“Many years of organizing by groups like Battleground Texas and the Texas Organizing Project had helped set the stage for [Beto O’Rourke’s] rise through registration and activation of low-income and minority citizens.”); see also Domenico Montanaro & Connie Hanzhang Jin, How Biden Won: Ramping Up the Base and Expanding Margins in the Suburbs, NPR (Nov. 18, 2020), <https://www.npr.org/2020/11/18/935730100/how-biden-won-ramping-up-the-base-and-expanding-margins-in-the-suburbs> [<https://perma.cc/2NS5-TXDE>] (“In Texas in particular, it’s notable that Biden did better than Clinton had in 2016 in Dallas, Austin, Houston and in some surrounding suburban counties.”).

198. See Kevin Schaul, Kate Rabinowitz & Ted Mellnik, 2020 Turnout Is the Highest in Over a Century, Wash. Post (Nov. 5, 2020), <https://www.washingtonpost.com/graphics/2020/elections/voter-turnout/> (on file with the *Columbia Law Review*) (last updated Dec. 28, 2020).

199. See Cleve R. Wootson Jr. & Vanessa Williams, Ahead of Runoffs, Civic Groups in Georgia Mount Ambitious Campaign to Mobilize Black Voters, Wash. Post (Jan. 1, 2021), https://www.washingtonpost.com/politics/black-voters-georgia-runoff/2021/01/01/3ae4c802-4b92-11eb-a9f4-0e668b9772ba_story.html (on file with the *Columbia Law Review*) (describing civic groups’ vote mobilization efforts in Georgia, including pop-up concerts, appearances at parties, and charity events).

200. See *id.*

201. See Oehmler & Zoorob, *supra* note 197, at 240 (describing the Texas Organizing Project’s involvement in securing “major wins on local issues like paid-sick leave for city workers”).

round by left-leaning civic associations.²⁰² For example, the nonpartisan Texas Organizing Project, founded in 2010, focused its efforts locally in big cities and sought to mobilize citizens around local issues, such as disaster aid, bail reform, and public works.²⁰³ Its efforts produced significant legislative successes at the local level, including paid sick leave for city workers.²⁰⁴ Like the other organizations highlighted here, the Texas Organizing Project worked year-round to organize and register Texans.²⁰⁵ Symbolic of pervasive anti-partyism, however, its leaders do not view the organization as part of the Democratic Party's partisan network.²⁰⁶

D. *Learn to Listen and Respond With Policy*

Parties must also learn to listen to individual voters if they are to convince American voters to abandon their cynicism about politics. Millions of Americans are not tied to grassroots civic groups.²⁰⁷ Still, they crave responsiveness.²⁰⁸ Therefore, parties must develop channels by which they can hear from both their members and those disaffected with the party system. Only then can the hard work of party leadership—triangulating among competing interests, finding compromises, and developing solutions—truly begin.

This element of party-building distinguishes groups like Fair Fight—former Georgia House Representative Stacey Abrams's Democratic infrastructure-building organization—from prior groups formed to further policy and ideological priorities (including both Organizing for Action—President Barack Obama's effort to build support for the Affordable Care Act (ACA)—and the Koch Brothers' Americans for Prosperity).²⁰⁹ Abrams's playbook emphasizes the importance of talking to

202. See *id.* at 256 (noting that as a result of voter mobilization efforts, “Texas had been trending Democratic in presidential elections in recent cycles, and by 2016 the vote in Texas was as close as in traditional swing states like Iowa and Ohio”).

203. *Id.* at 240.

204. *Id.*

205. *Id.* at 240–41.

206. See About TOP, Texas Organizing Project, <https://organizetexas.org/about-top/> [<https://perma.cc/4LAG-BMAF>] (last visited Sept. 13, 2022) (describing the organization's campaigns as “issue-based,” without any mention of the Democratic Party).

207. Skocpol, *supra* note 194, at 212–19 figs.5.9 & 5.10.

208. Americans See Broad Responsibilities for Government; Little Change Since 2019, Pew Rsch. Ctr. (May 17, 2021), <https://www.pewresearch.org/politics/2021/05/17/americans-see-broad-responsibilities-for-government-little-change-since-2019/> [<https://perma.cc/MSJ9-ZXPK>].

209. Alexander Hertel-Fernandez, *State Capture: How Conservative Activists, Big Businesses, and Wealthy Donors Reshaped the American States—and the Nation 1–6* (2019) (explaining the top-down nature of the conservative legislative agenda, with authority originating with powerful conservative groups like Americans for Prosperity); Daniel Galvin, *Obama Built a Policy Legacy. But He Didn't Do Enough to Build the Democratic Party*, *Wash. Post: Monkey Cage* (Nov. 16, 2016), <https://www.washingtonpost.com/news/monkey-cage/wp/2016/11/16/obama-built-a-policy-legacy-but-didnt-do-enough-to-build->

constituents and local civic groups apart from get-out-the-vote efforts.²¹⁰ Reflecting on the success of Fair Fight, Abrams and her campaign manager, Lauren Groh-Wargo, connected electoral goals—securing seats for Democrats—with voter-first strategies that tied voters’ livelihoods to the party’s priorities and allowed voters to hold elected officials accountable.²¹¹ This involves looking forward to the party’s long-term prospects rather than excessively focusing on short-term electoral goals.²¹²

Party leaders need to do this kind of hard work not only to formulate positions on particular issues but also to explain to voters how and why they did so. While time-consuming, this work is likely to lead to electoral success in the long run. Abrams, a former officeholder and devoted party-builder, has appropriately been credited for her integral role in building the civic and political infrastructure for the Democratic victories in Georgia in 2020, but her work started early in the Obama years with the New Georgia Project, initially established to help Georgians enroll in health insurance through the ACA.²¹³ By listening and learning to operate as part of a political ecosystem of state and local organizations capable of mediating differences and building coalitions, parties can translate a local presence into votes on Election Day.²¹⁴

Strengthening party organizations by developing deeper relationships at the local level, with both longstanding and new constituencies, is a way to develop accountability between party leaders and party members. Without these relationships with individual voters and community groups, the incentive for leaders to invest in parties as institutions is weak or nonexistent, rendering the party institution susceptible to capture.

IV. DEMOCRATIC RETURNS: MEASURES AND INDICIA OF PROGRESS

While there is little possibility for a return to the mass-membership party organizations of the past, the discussion above shows that

the-democratic-party/ (on file with the *Columbia Law Review*) (arguing that Obama’s focus on policy resulted in him putting limited effort into “party-building”).

210. Stacey Abrams & Lauren Groh-Wargo, Opinion, How to Turn Your Red State Blue, *N.Y. Times* (Feb. 11, 2021), <https://www.nytimes.com/2021/02/11/opinion/stacey-abrams-georgia-election.html> (on file with the *Columbia Law Review*) (“Building progressive governing power requires organizing. At its most basic, organizing is talking to people about important issues, plus moving them to take collective action.”).

211. See *id.* (“Our mission was clear: organize people, help realize gains in their lives, win local races to build statewide competitiveness and hold power accountable.”).

212. See *id.* (discussing the need to build around a concrete goal and issue).

213. Ray Levy Uyeda, Inside the New Georgia Project, the Stacey Abrams Org That’s Trying to Register Every POC in the State, *Mic* (Jan. 4, 2021), <https://www.mic.com/impact/inside-the-new-georgia-project-the-stacey-abrams-org-thats-trying-to-register-every-poc-in-the-state-53983970> [<https://perma.cc/QMW4-VH3Z>].

214. See Abrams & Groh-Wargo, *supra* note 210 (“Sustained engagement with all of the component parts of a Democratic coalition means that while those you disappoint may be angry with a particular action, they won’t abandon the mission. Better still, sometimes they show up to defend their ideological opponent when the other is under attack.”).

associational party-building in the twenty-first century is not only possible but promising.²¹⁵ The rise in grassroots civic activism has provided an opening for both parties to grow organizationally and to develop inroads with voters—that is, to cultivate partisanship that strengthens, rather than subverts, democracy over time. But how can theorists assess if associational party-building will produce democratic returns? And how should those returns be defined?

Democracies require governments to be responsive to citizens.²¹⁶ In practice, this means parties must be responsive to their supporters. They must offer policies that speak to the needs of ordinary citizens. Only then might parties begin to rebuild trust in the democratic process and democratic institutions. Policy responsiveness is, then, the definitive democratic return. That said, just as it is naïve to imagine there are any silver bullet policy prescriptions to repair American democracy, it is foolish to imagine that responsiveness will follow immediately from associational party-building.

Politics is a long game. The path to democratic responsiveness is neither straight nor easy and requires a broad reform agenda. Associational party-building is, however, an essential tactic in this long game, one that is both realistic and significantly more promising than existing party reform agendas.²¹⁷ But its returns will come in stages and will require “an appreciation for incremental progress” and “perseverance in the face of partial failures.”²¹⁸ It also requires recognition that policy returns are likely to start at the state and local levels.

There are many potential returns to associational party-building. The first is robust and consistent high voter turnout of an electorate representative along axes of race, class, and age.²¹⁹ Consistency means maintaining representative turnout in off-cycle elections, including midterms, and during party primaries so that factions cannot capture parties.²²⁰ Representative political participation does not automatically

215. See *supra* Part III.

216. See Robert D. Putnam, Robert Leonardi & Raffaella Y. Nanetti, *Making Democracy Work: Civic Traditions in Modern Italy* 65 (1993) (using indicia of ability to govern as a key sign of democratic institutions working); Pildes, *Political Fragmentation*, *supra* note 26, at 3 (noting that a key promise of modern democracy is that it can deliver long-term benefits and that failure to do so breeds “alienation, resignation, distrust, and [political] withdrawal” (citing David Runciman, *How Democracy Ends* 169–71 (2018))).

217. For the argument in favor of associational party-building as compared to other party-reform proposals, see Abu El-Haj, *Networking the Party*, *supra* note 20, at 1243–48, 1275–86. We do not revisit that debate here.

218. Abu El-Haj, *Possibilities for Responsive Party Government*, *supra* note 31, at 123.

219. Cf. Ganz, *Voters in the Crosshairs*, *supra* note 86 (describing in 2001 the downward trend in participation and its political impact).

220. See *How “Drop-Off” Voters Differ From Consistent Voters and Nonvoters*, Pew Rsch. Ctr. (Sept. 14, 2017), <https://www.pewresearch.org/politics/2017/09/14/how-drop-off-voters-differ-from-consistent-voters-and-non-voters/#survey-report> [https://perma.cc/

translate into accountability or responsiveness, but its absence makes achieving those ends much harder. Second, associational party-building should yield greater diversity in the life experiences of candidates. It should nudge us away from a political landscape where a supermajority of legislators in Congress are millionaires.²²¹ Third, we expect associational party-building to impact party leadership similarly. Finally, when we begin to see policy responsiveness, we should expect it to occur first at the state or local level. State and local governments were designed to be more open to direct public input than the national government.

While high turnout is obviously a product of many things, including the election's competitiveness, strong associational parties should yield higher turnout, including in off-cycle elections, and that turnout should extend to statistically low-propensity voters.²²² Both the 2018 and 2020 election cycles witnessed a significant rise in turnout among low-income and non-college-educated voters; racial minorities, including young voters of color; and Americans under thirty.²²³ Notably, states, where key elements of associational party-building have been taking place, showed significant increases in turnout among traditionally low-turnout voter groups.²²⁴

Q23R-G92C] (defining “drop-off” voters as those who voted in two presidential elections but not the midterms, as compared to “consistent” voters who voted in all three elections).

221. See Nicholas Carnes, *Casting a Wider Net: The Untapped Potential of Programs to Increase the Economic Diversity of the Candidate Pool*, Report Prepared for The Ford Foundation's Conference: *Purchasing Power? The Next Generation of Research on Money and Politics 1* (2016) (noting that if millionaires were a political party, they would control all three branches of the federal government, hold a majority in the House of Representatives, and hold a “filibuster-proof super-majority in the Senate,” despite comprising only three percent of the population). For an account of the democratic value of socioeconomic and occupational diversity in Congress, see Nicholas Carnes, *White-Collar Government: The Hidden Role of Class in Economic Policy Making 14–17* (2013).

222. See *What Affects Voter Turnout Rates*, FairVote, https://www.fairvote.org/what_affects_voter_turnout_rates [<https://perma.cc/LYQ8-NJSX>] (last visited Aug. 7, 2022) (describing that “one of the most important factors” affecting voter turnout rates is the “competitiveness of the presidential election”).

223. See Austin Clemens, Shanteal Lake & David Mitchell, *Evidence From the 2020 Election Shows How to Close the Income Voting Divide*, Wash. Ctr. for Equitable Growth, at fig.1 (July 8, 2021), <https://equitablegrowth.org/evidence-from-the-2020-election-shows-how-to-close-the-income-voting-divide/> [<https://perma.cc/D77J-JLJK>] (showing how voter turnout increased among voters with an annual income less than \$40,000 during the 2018 and 2020 elections); Frey, *supra* note 18, at fig.2 (showing how voter turnout increased among Black, Latino, and Asian American voters from 2016 to 2020); Jordan Misra, *Voter Turnout Rates Among All Voting Age and Major Racial and Ethnic Groups Were Higher Than in 2014*, U.S. Census Bureau (Apr. 23, 2019), <https://www.census.gov/library/stories/2019/04/behind-2018-united-states-midterm-election-turnout.html> [<https://perma.cc/SPV6-3A3Y>] (noting a sizeable increase in youth voter turnout from the 2014 midterm elections to the 2018 midterm elections).

224. See Frey, *supra* note 18, at tbl.C (on file with the *Columbia Law Review*); Asma Khalid, Don Gonyea & Leila Fadel, *On the Sidelines of Democracy: Exploring Why So Many Americans Don't Vote*, NPR (Sept. 10, 2018), <https://www.npr.org/2018/09/10/645223716/on-the-sidelines-of-democracy-exploring-why-so-many-americans-dont-vote> [<https://perma.cc/>

In Pennsylvania, Texas, and Georgia, turnout rates increased from 2016 to 2020 for all voters—white non-college-educated voters, white college-educated voters, nonwhite voters, and voters between eighteen and twenty-nine.²²⁵ Nationally, turnout was up just over five percentage points in 2020 compared to 2016, but Texas and Pennsylvania—two states where party-building has been notable—outperformed that average with increases of 8.5 and 7.6 percentage points, respectively.²²⁶ Texas also saw an increase of 9 percentage points in turnout among non-college-educated white and nonwhite voters.²²⁷ On the other hand, the voter turnout rate in Georgia increased by only slightly more than the national average, and in Nevada, the increase in the turnout rate was minimal.²²⁸ Still, the key point is that in these states—the sites of party-building and mobilization—important gains were made among low-propensity groups microtargeted by the parties: non-college-educated white voters, nonwhite voters, and young voters.²²⁹ Nevada experienced an 11% increase in turnout among non-college-educated white voters.²³⁰

Indeed, in Georgia, a site of long-standing Democratic party-building, increased turnout among lower-propensity Democratic voters was crucial to securing Georgia's electoral votes for President Biden in the 2020 presidential election.²³¹ Notably, turnout in Georgia was more racially representative than in the 2016 election, with “Asian-American turnout

36FA-6SD8] (noting that nonvoters are more likely to be poor, young, nonwhite, Democratic, and non-college educated).

225. Frey, *supra* note 18, at tbl.C.

226. See *id.* (showing an increase in voter turnout from 55.4% to 63.9% in Texas and from 62.6% to 70.2% in Pennsylvania); cf. Turnout and Voter Registration Figures (1970–Current), Tex. Sec’y of State John B. Scott, <https://www.sos.state.tx.us/elections/historical/70-92.shtml> [<https://perma.cc/NBP9-U47L>] [hereinafter Tex. Turnout and Voter Registration Figures] (last visited Aug. 7, 2022) (showing an increase in voter turnout from 46.45% to 52.39%, or 5.94-percentage points, among the Texas voting-age population).

227. Frey, *supra* note 18, at tbl.C.

228. See *id.* (showing an increase in the Georgia voter turnout rate of 5.9 percentage points against the national average of 5.4 percentage points, and an increase in the Nevada turnout rate of just one percentage point).

229. *Id.*

230. See *id.* It is likely this increase was due to recent party-building on the Republican side rather than Nevada's longer-standing Democratic party-building. Compare November 2016 Voter Registration Statistics: Active Voters by County and Party, Off. of Nev. Sec’y of State Barbara K. Cegavske, <https://www.nvsos.gov/sos/home/showpublisheddocument/4587/636854929043630000> (on file with the *Columbia Law Review*) (last modified Dec. 1, 2016) (reporting 498,550 active registered Republican voters in Nevada), with November 2020 Voter Registration Statistics: Active Voters by County and Party, Off. of Nev. Sec’y of State Barbara K. Cegavske, <https://www.nvsos.gov/sos/home/showpublisheddocument/9144/637425152580470000> (on file with the *Columbia Law Review*) (last modified Dec. 1, 2020) (reporting 602,302 active registered Republican voters in Nevada).

231. Greg Bluestein, Analysis Shows Surge in Asian, Hispanic Voters Helped Biden Capture Georgia, *Atl. J.-Const.: Pol. Insider* (Nov. 17, 2020), <https://www.ajc.com/politics/politics-blog/analysis-shows-surge-in-asian-hispanic-voters-helped-biden-capture-georgia/ASCD5ECBQZA4HP7GZ5QUF4H2PA/> [<https://perma.cc/3ATV-MMBV>].

nearly doubl[ing] when compared to the 2016 election, while Hispanic voter participation soared by 72%.”²³² Georgia’s youth turnout of 21% outpaced the national average of 17%.²³³

Georgia’s party-building also shaped the subsequent run-off election for the state’s two Senate seats—and Democratic control of Congress.²³⁴ Many commentators worried that turnout would be low in the run-off election.²³⁵ But the Democratic party’s investment in retail politics and grassroots organizing alongside civic allies paid off—for the party and democracy.²³⁶ Not only was turnout significantly above average for a run-off election, but early reports indicated that “[a]bout one third of the early voters in the runoff were Black . . . up from roughly 27 percent during the general election.”²³⁷ The early returns proved indicative: While turnout dipped considerably in white, rural areas, turnout in Democratic-leaning areas held up.²³⁸

High turnout in Georgia’s 2020 elections speaks to another element of associational party-building: alliances between political parties and civic allies.²³⁹ The state Democratic party’s gains cannot be explained without recognizing the work of its most important ally, The New Georgia Project, which from its founding in 2013, combined voter registration with its

232. In 2016, Asian residents made up 4.9% of Georgia’s population but just 1.7% of votes cast. See Voting and Registration in the Election of November 2016, U.S. Census Bureau, at tbl.4b, <https://www2.census.gov/programs-surveys/cps/tables/p20/580/table04b.xlsx> (on file with the *Columbia Law Review*) (last updated Oct. 8, 2021). In 2020, those figures were 5.0% and 2.4%, respectively. See also Voting and Registration in the Election of November 2020, U.S. Census Bureau, at tbl.4b, <https://www2.census.gov/programs-surveys/cps/tables/p20/585/table04b.xlsx> (on file with the *Columbia Law Review*) (last updated Oct. 8, 2021). In 2016, Hispanic residents made up 8.9% of Georgia’s population but just 3.8% of votes cast. See U.S. Census Bureau, 2016 Voting and Registration, *supra*, at tbl.4b. In 2020, those figures were 9.2% and 3.6%, respectively. See U.S. Census Bureau, 2020 Voting and Registration, *supra*, tbl.4b.

233. Raisa Bruner, ‘Civic Engagement Doesn’t Have to Be Corny.’ How Georgia Pulled Off Unprecedented Youth Voter Turnout, *TIME* (Nov. 6, 2020), <https://time.com/5908483/georgia-youth-vote/> (on file with the *Columbia Law Review*). More specifically, youth turnout in Georgia increased by 6.8 percentage points. The state’s overall increase in voter turnout was 5.9 percentage points. Frey, *supra* note 18, at tbl.C (showing an increase in turnout among 18- to 29-year-old voters from 46.0% to 52.8%).

234. Greg Bluestein, Flipped: How Georgia Turned Purple and Broke the Monopoly on Republican Power 298–99 (2022) (“Biden tied the fate of his legislative agenda to a Democratic sweep.”).

235. *Id.* at 223.

236. *Id.* at 309.

237. *Id.* at 298–99.

238. *Id.* at 300.

239. This is not to deny that party competition and the state’s adoption of automatic voter registration in 2016 under Republican election officials also played a role or that these are likely intersecting and mutually reinforcing phenomena. See Mark Niese, Automatic Registration Leads to Surge of New Georgia Voters, *Atl. J.-Const.* (Apr. 29, 2019), <https://www.ajc.com/news/local-govt-politics/automatic-registration-leads-surge-new-georgia-voters/97PMHrv8anlB66TfKdlUtK/> [<https://perma.cc/9BLL-XNQA>].

efforts to enroll Georgians for health insurance under the ACA.²⁴⁰ It registered 100,000 voters in its first year.²⁴¹ Nine years later, the organization knocked on 417,000 doors in ten weeks to drive turnout in the 2022 party primaries.²⁴²

Georgia can now boast that 95% of its voters are registered—one of the highest voter registration rates of any state in the country.²⁴³ Georgia's turnout in party primaries increased from 14.5% in 2018 to 23% in 2022, including an additional 720,000 voters in the Democratic Party primary, in which Stacey Abrams ran unopposed for the gubernatorial nomination.²⁴⁴

Second, associational party-building has begun to influence the recruitment, selection, and training of new candidates.²⁴⁵ There is good evidence that parties that are investing in the type of associational party-building advocated here are also nominating a more diverse group of candidates.²⁴⁶ The Democratic Party of Georgia has shifted from running, as it did in 2014, the scions of two of Georgia's most prominent political families to compete for senate and governor: Michelle Nunn, the daughter of four-term Democratic Senator Sam Nunn, and Jason Carter, the grandson of former President Jimmy Carter.²⁴⁷ Florida, meanwhile, succeeded in electing a historic number of Black candidates from both parties during the 2020 election cycle. Broward County elected three men of color for the first time: Harold Pryor as the Broward State Attorney, Gordon Weekes as the Public Defender, and Gregory Tony as the Broward County

240. Uyeda, *supra* note 213.

241. *Id.*

242. Nathan Frandino, Nathan Layne & Kia Johnson, Facing Trump-Inspired Voter Limits, Democrats Gird for Legal Battles, Reuters (May 16, 2022), <https://www.reuters.com/world/us/facing-raft-trump-inspired-new-voter-limits-democrats-gird-legal-battles-2022-05-16/> [https://perma.cc/3YXP-VJVR].

243. Amy Gardner & Matthew Brown, Voting Is Surging in Georgia Despite Controversial New Election Law, Wash. Post (May 21, 2022), <https://www.washingtonpost.com/politics/2022/05/21/voting-is-surging-georgia-despite-controversial-new-election-law/> (on file with the *Columbia Law Review*). By way of comparison, 78.51% of Texas eligible voters were registered for the 2020 election. Tex. Turnout and Voter Registration Figures, *supra* note 226.

244. Matthew Brown, Amy Gardner & Lenny Bronner, Georgia's Primary Went Smoothly. Voting Advocates Worry About November., Wash. Post (May 28, 2022), <https://www.washingtonpost.com/politics/2022/05/28/georgias-primary-went-smoothly-voting-advocates-worry-about-november/> (on file with the *Columbia Law Review*).

245. Evidence from the 2018 midterms of party mobilization leading to candidate diversification is discussed in Abu El-Haj, Possibilities for Responsive Party Government, *supra* note 31, at 129, 134, 141–43.

246. See *id.*

247. See Karen Tumulty, Michelle Nunn, Jason Carter Hope to Rechart the Course of Georgia Politics., Wash. Post (Dec. 22, 2013), https://www.washingtonpost.com/politics/michelle-nunn-jason-carter-hope-to-rechart-the-course-of-georgia-politics/2013/12/21/a2611bfc-5e9b-11e3-be07-006c776266ed_story.html (on file with the *Columbia Law Review*).

Sheriff.²⁴⁸ Among Republicans, Sam Newby was elected and is currently serving as City Council President in Jacksonville, and Terrance Freeman is currently serving as Vice President of the City Council.²⁴⁹

A more diverse candidate pool—not just racially, but also in life experience—is more likely to register demands from everyday Americans—teachers, waitresses, small business owners, and others—and raise them with party leaders.²⁵⁰ Put simply, positive effects should occur as a result of having more legislators that better reflect the public and its needs.

This, of course, is difficult to measure, but a recent example from Pittsburgh illustrates the idea. Debates among elected Democrats in Pittsburgh regarding paid sick leave were shaped by the views of two insurgent candidates, Bethany Hallam and Liv Bennett. Each was elected to office after challenging incumbent Democratic councilmembers in 2019.²⁵¹ Bennett was the first Black woman on the Allegheny County Council, and Hallam was the first formerly incarcerated person.²⁵² Considered progressive outsiders, their election marked a notable disruption to the state’s democratic establishment.²⁵³ The policy impact of their election became evident during the County Council’s battle over paid leave. After the County Council voted for a bill that would have provided at least five days of paid sick leave to full-time workers of businesses and organizations that employ at least twenty-six people, Rich Fitzgerald, the Executive of Allegheny County, vetoed it.²⁵⁴ Bennett assailed Fitzgerald’s veto, writing that “[f]or too long, workers in Allegheny County have had to choose between working sick or losing a

248. Constance Jones, *Celebrating Black History: Black Elected Officials Breaking Barriers in Broward*, NBC 6 S. Fla. (Feb. 22, 2022), <https://www.nbcmiami.com/news/local/celebrating-black-history-black-elected-officials-breaking-barriers-in-broward/2696819/> [<https://perma.cc/Q48T-SFGV>].

249. Patterson, *supra* note 149.

250. See Abu El-Haj, *Possibilities for Responsive Party Government*, *supra* note 31, at 143 (“By focusing on candidates with backgrounds and life experiences similar to those of a larger portion of their constituents, grassroots activists are seeking to improve the feedback loops through which the interests of ordinary Americans can be filtered up to legislatures.”).

251. Jamie Martines, *How 3 New Allegheny County Democrats Are Shaking Up the Party’s Old Guard*, TribLIVE (July 28, 2019), <https://triblive.com/local/pittsburgh-alleggheny/how-3-new-alleggheny-county-democrats-are-shaking-up-the-partys-old-guard/> [<https://perma.cc/22UN-5WWX>].

252. Jamie Martines, *Progressive Democrat Hallam Got Personal in Allegheny County Council Primary Campaign*, TribLIVE (July 28, 2019), <https://triblive.com/local/pittsburgh-alleggheny/progressive-democrat-hallam-got-personal-in-alleggheny-county-council-primary-campaign/> [<https://perma.cc/45UL-N9E8>].

253. *Id.*

254. Ryan Deto, *Allegheny County Exec Rich Fitzgerald Vetoes Paid Sick Leave Bill Citing Legal Concerns*, Pittsburgh City Paper (Mar. 16, 2021), <https://www.pghcitypaper.com/pittsburgh/alleggheny-county-exec-rich-fitzgerald-vetoes-paid-sick-leave-bill-citing-legal-concerns/Content?oid=19100846> [<https://perma.cc/5X5G-2GJF>].

day's pay For older workers and those with preexisting conditions, the stakes are literally life and death."²⁵⁵ Hallam joined Bennett's criticism.²⁵⁶ In September 2021, a revised bill passed the Council; workers in Allegheny County are now entitled to paid sick leave.²⁵⁷ Without making any claims that Bennett and Hallam produced this victory, it is notable that these two were vocal advocates for the interests of working Americans and willing to challenge the party machine's cautious stance.

Third, the impact of associational party-building extends to the party leadership. Notably, Democratic Party organizing in Harris County, one of the most populous counties in the United States and home to the city of Houston,²⁵⁸ led to the election of twenty-eight-year-old Odus Evbagnarhu in June 2021 as Chairman of the Harris County Democratic Party.²⁵⁹ Evbagnarhu is not only both the youngest and first Black chair, but he is also an immigrant who moved to Houston when he was ten years old.²⁶⁰ Upon assuming office, Evbagnarhu stressed that his major priorities as Harris County Democratic Party Chair were "building coalitions 'from the bottom up' and getting voters engaged throughout the year."²⁶¹ In Florida, Black Representative Ramon Alexander will serve as Democratic leader in the State House for the legislative term from 2022 to 2024, and Representative Fentrice Driskell will serve as the first Black woman Democratic leader in the State House for the 2024 to 2026 term.²⁶²

Finally, associational party-building promotes policy responsiveness. Policy responsiveness is the most difficult democratic return to achieve, even at the state and local level. At the most basic level, in the absence of

255. *Id.*

256. *Id.*

257. Mark T. Phillis, Emilie R. Hammerstein & Taylor N. Brailey, Allegheny County, Pennsylvania Joins the Jurisdictions Requiring Paid Sick Leave: What Does the New Law Require and What Steps Can Employers Take to Prepare?, *Littler* (Dec. 30, 2021), <https://www.littler.com/publication-press/publication/allegheny-county-pennsylvania-joins-jurisdictions-requiring-paid-sick> [<https://perma.cc/N6Z4-96S7>].

258. See Press Release, U.S. Census Bureau, Over Two-Thirds of the Nation's Counties Had Natural Decrease in 2021 (Mar. 24, 2022), <https://www.census.gov/newsroom/press-releases/2022/population-estimates-counties-decrease.html> [<https://perma.cc/5BFC-2EZZ>].

259. Jessica Montoya Coggins, Odus Evbagnarhu, the New Chair for the Harris County Democrats, Is Ready to Get to Work, *Tex. Signal* (July 7, 2021), <https://texassignal.com/odus-evbagnarhu-the-new-chair-for-the-harris-county-democrats-is-ready-to-get-to-work/> [<https://perma.cc/RX5Y-Q287>].

260. *Id.*; Jasper Scherer, New Harris County Dem Chair Evbagnarhu Inherits Party in Strong Position, but Threats Loom, *Hous. Chron.* (June 29, 2021), <https://www.houstonchronicle.com/news/houston-texas/houston/article/New-Harris-County-Dem-Chair-Evbagnarhu-inherits-16280291.php> (on file with the *Columbia Law Review*).

261. Coggins, *supra* note 259 (quoting Harris County Democratic Party Chair Odus Evbagnarhu).

262. Issac Morgan, FL House Dems Elect Two Black Members as Future Leaders; One Makes History as Its First Black Woman, *Fla. Phoenix* (May 19, 2021), <https://floridaphoenix.com/2021/05/19/fl-house-dems-elect-two-black-members-as-future-leaders-one-makes-history-as-its-first-black-woman/> [<https://perma.cc/L2QH-MNQP>].

power, there can be no policy responsiveness to the interests of party members. Political parties must be competitive and win seats in order to pass new policies. Thus, although the Democratic Party of Georgia has clawed itself out of irrelevance, it has yet to achieve electoral successes that can be translated into comprehensive policy gains.²⁶³ It takes time to recover from two decades of party nonexistence.

In the absence of political power in Georgia, indicia of increased party responsiveness is evident with subtle transformations in the Democratic Party's platform. The Democratic Party's efforts to regain ground in Georgia started in 2014, and party elites played it safe.²⁶⁴ Both candidates carefully ran centrist campaigns that prioritized winning crossover support from moderate Republicans.²⁶⁵ Jason Carter touted his pro-gun campaign platform, came out in favor of the death penalty, and expressed agreement that "Georgia's drivers had the right to license plates that display the Confederate flag."²⁶⁶ Meanwhile, Michelle Nunn attacked the provisions of the ACA that penalized those who did not comply with the health care bill's individual mandate.²⁶⁷ While Stacey Abrams lost in 2018 by a razor-thin margin,²⁶⁸ she ran on an entirely different platform arising out of her practice of listening to the concerns of voters. Rather than embracing guns and confederate iconography, she supported a ban on AR-15s²⁶⁹ and

263. Party Control of Georgia State Government, Ballotpedia, https://ballotpedia.org/Party_control_of_Georgia_state_government [<https://perma.cc/T845-KDLK>] (last visited Sept. 13, 2022) ("Georgia has a Republican trifecta and a Republican triplex. The Republican Party controls the offices of governor, secretary of state, attorney general, and both chambers of the state legislature.").

264. See *supra* note 247 and accompanying text.

265. See, e.g., Alistair Bell, Pro-Gun Grandson Follows in Jimmy Carter's Footsteps, Sort Of, Reuters (May 29, 2014), <https://www.reuters.com/article/us-usa-elections-carter/pro-gun-grandson-follows-in-jimmy-carters-footsteps-sort-of-idUSKBN0E915T20140529> [<https://perma.cc/L3M8-T87A>]; Suzy Khimm, Can Nunn Grab a Senate Seat in Georgia?, MSNBC (Jan. 10, 2014), <https://www.msnbc.com/msnbc/can-nunn-grab-seat-georgia-msna244576> [<https://perma.cc/V4PY-CGM4>] ("If there's a formula for winning as a Democrat in Georgia, Michelle Nunn thinks she's found it: Don't sound like a liberal, hold your Republican friends close, and never leave a loose end hanging.").

266. See Bell, *supra* note 265 ("Carter courted another controversy last month when he said Georgia's drivers had the right to license plates that display the Confederate flag.").

267. See Khimm, *supra* note 265 ("Nunn is quick to point out that she was 'one of the first people to come out' for a delay of the individual mandate after problems emerged with the website." (quoting Michelle Nunn)).

268. Alan Blinder & Richard Fausset, Stacey Abrams Ends Fight for Georgia Governor With Harsh Words for Her Rival, N.Y. Times (Nov. 16, 2018), <https://www.nytimes.com/2018/11/16/us/elections/georgia-governor-race-kemp-abrams.html> (on file with the *Columbia Law Review*) ("[I]t was the closest race for governor in Georgia since 1966.").

269. See Timothy Johnson, Stacey Abrams Takes a Popular Position on Gun Violence, and Conservatives Are Outraged, Salon (Nov. 3, 2018), https://www.salon.com/2018/11/03/stacey-abrams-takes-a-popular-position-on-gun-violence-and-conservatives-are-outraged_partner/ [<https://perma.cc/AL2U-KX8J>].

leaned into support for the LGBTQ community, a state Earned Income Tax Credit, and paid sick leave.²⁷⁰

The limited opportunity for policy responsiveness in the absence of political power is also playing out in Texas. Republicans have controlled both houses of the Texas State Legislature since 2003, and Democrats have not won a statewide election since Governor Ann Richardson's tenure ended in 1995.²⁷¹ Moreover, while statewide offices are increasingly competitive, the Texas Legislature, like many other state legislatures, is gerrymandered to render the vast majority of districts uncompetitive.²⁷² In Texas, these dynamics are a significant obstacle to translating the Democratic Party's organizing into concrete policy achievements. Still, the Texas Legislature may be a more hospitable institution because it does not operate with a winner-take-all system that puts the majority party in control of every committee.²⁷³ Instead, Democrats in Texas chair some committees in both chambers, named to those posts by Republican lieutenant governors and speakers of the House.²⁷⁴ While in the past, this has often led to bipartisan compromises, such compromises have been difficult to achieve with the emergence of hyper-partisan polarization.²⁷⁵

By contrast, where party-building results in state power, as in Nevada, policy responsiveness can follow. Since the 2020 election, when Nevada Democrats saw a significant increase of engagement with Indigenous

270. See Kenneth Quinnell, *Best Candidates for Working People, 2018*: Stacey Abrams, AFL-CIO: Blog (Aug. 13, 2018), <https://aflcio.org/2018/8/13/best-candidates-working-people-2018-stacey-abrams> [<https://perma.cc/K388-S56V>].

271. See, e.g., Ben Philpott, *Why Is Texas So Red, And How Did It Get That Way?*, *Houst. Pub. Media* (Oct. 31, 2016), <https://www.houstonpublicmedia.org/articles/news/politics/2016/10/31/174443/why-is-texas-so-red-and-how-did-it-get-that-way/> [<https://perma.cc/V8BD-44VU>].

272. See Ross Ramsey, *Analysis: Gerrymandering Has Left Texas Voters With Few Options*, *Tex. Trib.* (Apr. 20, 2022), <https://www.texastribune.org/2022/04/20/texas-redistricting-elections/> [<https://perma.cc/MC2L-HE8S>].

273. See Ross Ramsey, *Analysis: The Texas Legislature Isn't Like Congress, Right?*, *Tex. Trib.* (Jan. 11, 2021), <https://www.texastribune.org/2021/01/11/texas-legislature-congress/> [<https://perma.cc/4MFX-H9V7>].

274. See *id.*; see also Cassandra Pollock, *Speaker Dade Phelan Shakes Up Texas House Leadership With New Chairs on Key Committees*, *Tex. Trib.* (Feb. 4, 2021), <https://www.texastribune.org/2021/02/04/texas-house-dade-phelan-committee-chairs/> [<https://perma.cc/6JTX-AW2M>] (reporting that of the thirty-four standing committees in the Texas Legislature, twenty-one are Republicans and thirteen are Democrats).

275. See *supra* note 88 and accompanying text. This polarization is exacerbated by Texas's incredibly low turnout at primaries. See *Tex. Turnout and Voter Registration Figures*, *supra* note 226 (showing that voter turnout at most primaries in the last several decades ranges from 1–10% of the overall eligible population); see also Mandi Cai & Sneha Dey, *Nearly 18% of Registered Texas Voters Cast 2022 Primary Ballots*, *Tex. Trib.* (Feb. 14, 2022), <https://www.texastribune.org/2022/02/14/texas-primary-voting-turnout/> [<https://perma.cc/5PG8-ZWY4>]; Ross Ramsey, *Analysis: The 3% of Texans Deciding Who Governs the Other 97%*, *Tex. Trib.* (Feb. 25, 2022), <https://www.texastribune.org/2022/02/25/texas-election-turnout/> [<https://perma.cc/DB88-374A>].

Peoples, the party has responded with targeted legislation.²⁷⁶ In June of 2021, Governor Steve Sisolak “signed 140 pieces of legislation . . . including bills in support of Nevada’s Tribal Nations, the Nevada National Guard, and mental health resources.”²⁷⁷ Members of the Nevada Indian Commission and tribal elders, as well as officers of the Nevada National Guard, were present when the various bills were signed into law.²⁷⁸ Nevada has been a “Democratic trifecta since 2018” when Democrat Sisolak won the governorship.²⁷⁹

Policy responsiveness takes time, and in an era of party polarization, it requires control of all three branches of government. This reality is why it is critical for readers not to discount the value of associational party-building simply because policy responsiveness at the national level is slow. Not only was the federal government designed to make it difficult to build and hold a national majority but also the development of the silent Senate filibuster has rendered achieving policy responsiveness at the national level even harder than originally anticipated—and thus a longer-term project.²⁸⁰ Recently proposed federal reform legislation did not seek to change the structure of our institutions or the rules of Congress—one more reason that on their own, they would not have been able to solve the lack of policy responsiveness arising from partisan polarization.

CONCLUSION

The closing of political opportunities for election reform provides a unique moment to consider how to strengthen our basic democratic institutions—such as political parties. This Piece, therefore, has described associational party-building to persuade readers that party-building is critical to restoring confidence in American democracy.

Reestablishing parties as strong intermediaries with linkages to civic groups and citizens may be more effective, in the long run, in rebuilding trust in democratic institutions overall. Political parties are the only organizations with the capacity to organize at a scale that matters, and they are the only intermediaries that both communicate with voters and govern.

276. See Governor Sisolak Signs 140 Pieces of Legislation From 81st Session, Including Bills in Support of Tribal Nations, Nevada National Guard, Mental Health Resources, Off. of the Governor of Nev. (June 4, 2021), https://gov.nv.gov/News/Press/2021/Gov_signs_140_pieces_of_legislation/ [<https://perma.cc/HNL8-L676>] [hereinafter Sisolak Legislation].

277. *Id.*; see also Assemb. B. 88, 2021 Leg., 81st Sess. (Nev. 2021).

278. See Sisolak Legislation, *supra* note 276.

279. Douglas Kronaizl, Contested State Legislative Primaries in Nevada Reaches Highest Point Since at Least 2014, *Ballotpedia* (Apr. 21, 2022), <https://news.ballotpedia.org/2022/04/21/contested-state-legislative-primaries-in-nevada-reaches-highest-point-since-at-least-2014/> [<https://perma.cc/8M9V-FL36>].

280. See Josh Chafetz & Michael J. Gerhardt, Is the Filibuster Constitutional?, 158 *U. Penn. L. Rev. Online* 245, 247–49 (2010) (broadly describing recent senatorial developments in the mechanics and usage of the filibuster).

Parties with the commitment and capacity to engage in mobilization between election cycles, including through local civic groups, have the potential to bring about the responsiveness essential for democratic governance and public trust.