

# How No Labels is Undermining Our Democracy



The No Labels Party is pursuing a third-party presidential bid that independent observers have concluded is hopeless, and that poll after poll (including their own survey) shows is likely to serve as a spoiler for the GOP. Consequently, they have faced intense criticism from Third Way and a broad spectrum of allies for this reckless undertaking that would put Trump back in power—a return that would present a profound and existential risk to our democracy.

No Labels has responded by arguing that its critics are the ones who are anti-democratic, as they assert that we are preventing them from offering voters a “choice.” They have wrapped themselves in the garb of fighters for freedom, pumping out emails and op-eds linking their efforts to the civil rights movement. They even issued a video tying themselves to Dr. King’s March on Washington.

This is an appalling farce. The No Labels Party isn’t offering voters a realistic option to elect a third-party ticket. Instead, they are providing an outlet for a protest vote that is already directly benefiting the anti-democracy party and candidate in the 2024 race. And if helping Trump wasn’t bad enough, their effort is undermining our democracy in several other ways.

# 1. They are a political party that does not play by the rules.

Political parties with candidates in federal races must abide by strict federal requirements. The Democrats, GOP, Green Party, and others must disclose the identity of donors and cap their contributions at \$2,900. But No Labels is operating as a 501(c)(4) social welfare organization, meaning their donors can be secret and give in unlimited amounts. This is just barely legal under federal law, but experts say they are “walking right up to the line of what is permissible.”

No Labels claims they “are not functioning as a political party.” But that’s Orwellian, as it can’t be reconciled with their own registration of the “No Labels Party” in eleven states, a planned No Labels Party nominating convention, and an intense effort to recruit potential No Labels Party presidential candidates. They claim that to be a political party, they must nominate candidates to run up and down the ballot. That is false. Yet even by their own bogus standard, they already qualify as a party: in Arizona, candidates are registering to run on the No Labels Party line in races including US Senate and State Corporation Commissioner.

Moreover, just because they *can* get away with operating this effort as a (c)(4), doesn’t mean they should. How can it be good for democracy to have a highly financed, new political party hide behind legal loopholes rather than disclose their donors like any other political party?

This No Labels effort walks and talks like a political party; it’s using the title “No Labels Party.” They cannot both employ a legal fig leaf to avoid election rules *and* credibly claim to be the only true protectors of our democratic system.

# 2. They are credibly accused of duping voters into disenfranchising themselves.

The right to vote and have it counted certainly is under attack, but it is outrageous for No Labels to argue that our engaging in a robust public debate about the impact of their plans equates to “voter suppression.” It’s particularly galling because they are credibly accused by the Maine Secretary of State of deceiving voters into changing their registrations and disenfranchising themselves by losing the ability to vote in primaries. “Voter after voter is telling my team that they were instructed that they were merely signing a petition,” Shenna Bellows said. “They were not told they were changing their political party.” More than 300 voters came forward. According to social media posts in Maine as recently as late August, complaints about their signature gatherers defrauding voters continue.

Notably, No Labels did not apologize to the people they are accused of having tricked nor did they pledge to stop misleading voters into joining their party. Instead, they went on the attack, claiming “voter suppression” when officials responded to a flurry of public complaints by informing voters how to change their registration back if they wanted. They have even attacked the Secretary of

State with paid online ads. If anyone in this debate is engaging in vote suppression, it's the No Labels Party.

### **3. Their nomination will be determined by insiders and donors.**

No Labels is ignoring a decades-long trend by the major parties to open their nominating process to tens of millions of voters. While they may not literally meet in a smoke-filled room, they've made clear that the No Labels leadership alone will control who appears on their ticket.

No Labels says they will decide on their process in the coming months. They're considering methods like handing their nomination to "five to ten highly respected national leaders" of their choosing, a convention of 2,000 delegates selected through their vetting process, and an online vote by a "subset of Independent voters" that No Labels would pick. They've even seriously proposed limiting the vote to "No Labels members who have contributed" to the group. Charging to vote has, in a different context, been called a poll tax. While the No Labels nominating fee would be a far cry from what African Americans faced in the 20<sup>th</sup> century, it is deeply undemocratic. And all of the options they're mulling would mean tens of millions of voters would lose their voices and ability to choose.

By contrast, Third Way has pushed to expand who has a say in who the parties nominate. It's the best way to end up with candidates who reflect the values and views of the American majority. We celebrate that the Democratic Party has shifted almost entirely away from caucuses and state conventions (a fight we helped lead) to primaries, which reduce the barriers to voting.

No Labels has written, without irony, that "the danger is in allowing party leaders [us, apparently] to decide who our choices should be for president." Yet they are building a nominating process that denies the voting public any say. That is legal—the No Labels Party can keep their process closed. But if they do, they forfeit any claim to be protecting democracy.

### **4. They are preparing to throw the presidential election to the House.**

In a jaw-dropping affront to democratic norms, Ryan Clancy, the group's Chief Strategist, has discussed their preparations for a "contingent election," where no candidate reaches the required 270 electoral votes. If that were to happen, the House would vote by delegation, with each state getting one vote. (That means the 39 million Californians get the same presidential vote as fewer than 600,000 voters in Wyoming.) "Republicans currently hold a majority of state delegation, and, given that Democrats haven't controlled a majority of the House delegations since 2008 (when they had 257 House seats), Republicans would likely be in the driver's seat in 2025 to select who wins the White House. As bad, Clancy suggested on CNN they could approach electors from the "surprising number" of states that do not bind them to try to take support from one of the major party

nominees. That means voters in some states would have chosen their candidate, but then No Labels would seek to persuade electors to abandon that candidate for another.

Both scenarios are horrifying, especially when our electoral system is under attack by those sowing doubts about its veracity and fairness. No one—not least self-appointed avatars of democracy—should be planning, much less rooting, for the next president to be chosen by 50 votes in the House or faithless electors.

## 5. They are spreading misinformation.

The No Labels Party is promoting anti-democratic misinformation in many ways, not least an outrageous false equivalency claiming that Joe Biden is as extreme as Trump. Their co-chair, Larry Hogan, said that Trump and Biden are both facing “very serious legal troubles.” (One faces four criminal indictments containing 91 felony counts; the other faces no legal sanctions at all.) And that deception extends to their substantive records. No Labels National Director Joe Cunningham said President Biden has done “nothing” for moderates, ignoring a host of bipartisan accomplishments such as the infrastructure bill, the PACT Act, and the CHIPS and Science Act, not to mention two other bills essentially authored by leading moderate Sen. Joe Manchin.

Whether or not the No Labels Party ultimately goes through with their plan for a closed convention to run a third-party presidential ticket, a purported “centrist” organization mounting attacks on Biden by calling him an extremist are not just false, they are deeply harmful. If the GOP wanted to establish an operation to wound the Biden campaign, they could hardly do better than what they are getting from No Labels.

## Conclusion

No Labels’ claim to the legacy of the civil rights movement and their attacks on anyone who opposes their plan point the arrow of blame in the wrong direction. It is they who are disenfranchising and misleading voters.

But the most profound democratic danger they pose is that their plan would send back to the White House a man who has made clear his intention to destroy the pillars of our democracy. Donald Trump attacks our voting system, has said the 2020 election “allows for the termination” of the Constitution, and he has explicitly pledged to “leverage the power of the presidency for political reprisals.” That is the very definition of authoritarianism, “the end of a system of laws rather than of one man,” a presidential historian told the AP. If that isn’t profoundly anti-democratic, the notion has lost all meaning.