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PUBLIC POLICY
INSTITUTE OF CALIFORNIA

California's Political Reforms: A Brief History

April 2015

Eric McGhee

with research support from Daniel Krimm

Supported with funding from the S. D. Bechtel, Jr. Foundation

Summary

In recent years, California has enacted a series of important political reforms to improve the policymaking process in Sacramento. Two in particular have received by far the most attention: a radically open “top-two” primary system, and an independent citizen commission that draws congressional and state legislative districts. These reforms are ambitiously experimental, often pushing the boundaries of what has been attempted before and could be adopted by other states. They also provide useful test cases for understanding how policymakers can most effectively shepherd change through the political system: each suffered at least one failed attempt before it was successful.

This report identifies factors that contributed to these failures, and successes, listed below. Ultimately, we see that the coalitions policymakers build—and the tools available to them for fighting or promoting reform—are the most important pieces of the puzzle.

- There is little evidence that California voters radically changed their views of Sacramento politics in a way that contributed directly to reform success. In fact, polls suggest that voters who were *more* negative about Sacramento were actually *less* likely to support reform. This is not to suggest that voters were happy with the status quo, but rather that changes in happiness do not offer a promising explanation for reform success.
- The reforms’ content may have had an effect. Voters generally preferred a redistricting panel of average citizens to one of judges or legislators—the exact structure of the reform the state finally adopted. They also leaned toward an open primary system like the one California now uses, which permits more voter choice but also preserves information about party affiliations.
- The behavior of key players in the state’s policy community was the most important factor for the success of redistricting reform. Advocates for Proposition 11—the first successful redistricting measure—were careful to build a broad bipartisan coalition before going to the voters. The breadth of this coalition forced reform supporters to propose the citizen commission format—an approach that ultimately proved more popular anyway—and to tamp down partisan messages during the campaign itself.
- Dynamics among political and policy elites also help explain the success of primary reform, since pieces of the successful redistricting reform coalition remained intact for the primary reform campaign, and since the measure itself made it onto the ballot through unusual circumstances that helped defuse potential opposition.

Overall, in addition to emphasizing the importance of coalition-building among policymakers, this report makes it clear that in California, voter dissatisfaction with government is not firm ground for a successful reform movement. Voters might be unhappy with their elected leaders, but they are never certain that any particular reform will improve on the status quo. Whatever the merits of reform, there will always be opponents who will seek to derail it, and political reform topics will always be abstruse enough to the average voter that a substantial number of them will be open to the “no” position just to avoid the risk of poorly understood change. Voter opinion on reform specifics can help advance one reform approach over another but is unlikely to ensure success by itself. Ironically, political reform—which is generally positioned as empowering average citizens—must start with a measure of consensus in the political establishment. That leaves a wide terrain on which policymakers can debate and promote their favored policies, both through the ballot box and other means.

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Introduction

In California’s 2008 general election, political reform advocates achieved a startling success. For the first time, voters approved a new method of drawing the state’s legislative and Board of Equalization lines. The legislature had always been constitutionally mandated to draw the lines before. This reform empowered a commission of average citizens to do so. These citizens would be chosen by the state auditor’s office in a wide-open process designed to minimize the commission’s connection to the state’s political class. Moreover, the commission was obligated to favor a range of very specific criteria when drawing the lines, and to follow rigid rules of transparency. It was a radical experiment.

Three months after this reform was approved, still more change was in the offing. As part of a deal to pass the state budget at the beginning of 2009, the legislature agreed to place a significant primary election reform measure on the next ballot in June of 2010. This new “top-two” system would let voters vote for any candidate they wanted for any office, regardless of party, and would advance the top-two vote-getters, also regardless of party, to a fall runoff election. This process would replace a very different status quo—one that required voters to register with a party to vote in that party’s primary and allowed independents to join a party primary only if the parties let them. The reform measure appeared on the June 2010 primary ballot and passed.

The redistricting commission and the top-two primary place California at the forefront of the national reform movement. Only two other states (Louisiana and Washington) use primary systems even remotely like the approach California now employs. Likewise, while many states have some kind of commission format for drawing district lines, only Arizona uses a citizen commission quite so independent from the legislature. Thus, there has naturally been a great deal of interest in these two reforms, both within the state and beyond its borders.¹

This report explores the political and public opinion dynamics of these two reform efforts over time. Its goal is not to provide a perfect roadmap for success, either for those contemplating reform in other states or for those planning future reforms in California.² Instead, it builds a narrative by establishing basic facts, clearing up misconceptions, and showing that some explanations would require heroic assumptions to be considered credible. To do so, it asks and answers the following questions. When were the reforms offered, and what did they look like? Who were the supporters and opponents? What did the public think of these reforms? And most important, how did successful efforts differ from unsuccessful ones?

Each of the successful measures was preceded by at least one failed attempt at similar reform. While many factors varied between one attempt and another, they all occurred within the same state, often contained similar provisions, and were in many cases contested by the same interests. This makes differences between them easier to identify and provides leverage on the question of which aspects were more or less important.

There is little evidence that California was in a “reform moment” when each of these measures passed. If voters were not opposed to change, they were not clamoring for it either. Electoral reform is a complicated subject difficult for even the most sophisticated observers to parse, let alone average voters, most of whom

¹ Arizona’s commission currently faces a serious legal challenge at the United State Supreme Court. While the outcome of that case—*Arizona State Legislature v. Arizona Independent Redistricting Commission*—could have significant consequences for reforms to California’s congressional elections, reforms of legislative elections are outside the scope of the case.

² A more complete causal analysis would, at a minimum, identify political reform initiatives in other states that varied in terms of their timing, content, coalition-building, and opinion polling, as well as whether they were successful. That kind of analysis is beyond the scope of this study.

are simply trying to meet day-to-day obligations and needs. Even for voters with carefully considered beliefs about democracy, connecting any specific measure to those beliefs can be a challenge. As one of the reform advocates interviewed for this report put it, “Election reform doesn’t hit hearth and home.”³

Rather than a groundswell of support among voters, the keys to success likely had more to do with the coalitions of support and opposition, the specific reforms they offered, and the vigor with which each side pressed its case. This helps explain the success of redistricting reform, which saw a marked change in coalition dynamics in the middle of the last decade and a corresponding change in voter reactions. Although the same narrative holds together in its broad outlines for primary reform, it is less effective at explaining the precise moment of success there. Regardless, even if the coalitions in support or opposition do not account for the turnaround for primary reform, anyone pursuing such a reform would do well to pay attention to such issues when presenting an initiative to voters.

The report first presents the history for each type of reform measure in California. Efforts at redistricting reform have been more frequent in recent decades; efforts at primary reform extend farther back. Both histories are interesting and instructive in their own right. The report then looks at each of a series of possible explanations for the reforms’ ultimate success: first, the idea that voters were fed up with California government and were searching for a change, next that the reforms’ content mattered, and finally that the coalition dynamics were critical to success. The balance of the report then evaluates these explanations in the context of available public opinion data.

³ Personal interview with Zabrae Valentine, California Forward, September 23, 2014.

History

Both redistricting reform and primary reform in California have a history of successes and failures, but the patterns and specifics differ. Redistricting reform only began as a serious movement in the 1980s, and suffered a long string of failures before finally achieving success with Proposition 11 in 2008. Most of the fights over specific measures were also much more partisan—pitting Democrats against Republicans—and with a more balanced commitment of resources on each side. Primary reform, by contrast, has had a long history in California: about half the elections since the advent of the popular primary in 1910 have been conducted under some kind of unconventional primary system, and two of the three recent primary reform initiatives have been successful. The fights over primary reform have also tended to unify both major parties against the reform movement, but without a commitment of serious campaign resources.

What follows is a brief outline of the history of these reforms, drawing from a much more detailed discussion in [Technical Appendices A and B](#). After this outline, the report highlights three possible explanations for the ultimate success of these reforms—voter frustration about government performance, the content of the laws themselves, and the changing nature of the support coalitions—before evaluating each of these explanations in the final analysis section.

The battle over redistricting reform has historically been framed by the contrast between the 1970s and 1980s redistricting efforts. For 20 years, responsibility for redistricting in California see-sawed between the Democrats in the legislature and a panel of three retired judges known as the “Special Masters,” depending on whether the Democrats controlled the process completely or stalemated with a Republican governor. Because Republicans felt cheated by the Democratic plans and were far happier with the work of the Special Masters, they became advocates of handing redistricting to an independent commission, and especially one that relied heavily on the judiciary. For similar reasons, Democrats ended up on the opposite side on this issue. The result was a fierce set of fights throughout the 1980s. Republicans first overturned the Democrats’ 1981 redistricting maps through a referendum and then proposed three different reform initiatives (Propositions 14 in 1982, 39 in 1984, and 119 in 1990) that all handed redistricting authority to an independent commission and assigned a central role to judges.

The 2001 redistricting plan broke this pattern. Though Democrats controlled both the legislature and the governorship, they made a deal with Republicans to avoid another referendum. The result was a set of plans that largely preserved the status quo by making districts less competitive, especially for Congress, while seeming to satisfy no one but the authors. Minority rights groups felt the plans passed up opportunities to encourage minority representation in the midst of rapidly increasing diversity in the state’s electorate. Both Republicans and Democrats worried about the potential ceiling on their seat share. And far more than in previous efforts, moderates and good government organizations began to see redistricting as a question of effective representation. They argued that the lack of competition in the new districts protected extreme partisans in the legislature and congressional delegation and so exacerbated growing polarization in Sacramento.

Dissatisfaction with the 2001 plans prompted two further attempts at reform. Proposition 77 came in 2005 and followed the pattern of earlier efforts: Republicans proposed it with little input from Democrats or Democratic-leaning groups, and it established an independent commission of retired judges. In fact, Republican governor Schwarzenegger placed it on a special election ballot alongside several controversial

initiatives that would have enacted other major pieces of the Republican policy agenda. And like the other efforts at redistricting reform of this kind, it fell well short of victory.

When this effort failed, a more bipartisan group of reformers—still frustrated with the existing plans for the many reasons detailed above—assembled a broad coalition behind a new initiative that established a citizen commission, with no direct role for judges. This measure, Proposition 11, passed by the narrowest of margins in 2008, becoming the first successful redistricting reform initiative in the state’s history.

The path for primary reform was very different. Rather than a long string of failures, California’s first experiment with an unusual primary system began almost as soon as it adopted a popular primary. California’s “cross-filing” system—where candidates could seek the nomination of more than one party at the same time—was in place from 1914 through 1959, and was only abandoned by Democrats in a move to bolster their already growing political strength.

The next attempt at an open primary—Proposition 198 in 1996—was also successful, passing comfortably with almost 60 percent of the vote. It implemented a “blanket” primary that allowed voters to support any candidate they liked for each office, without regard to party, and then advanced the top vote-getter within each party to the fall campaign. The measure came amidst growing polarization between the two major parties that left moderates feeling dissatisfied and marginalized. Supporters hoped such a reform would weaken the power of party extremists in the primary stage and ensure that more moderates would be nominated. In this way, it anticipated some of the motivations for redistricting reform in the next decade.

Primary Types

California has experimented with many different types of primaries throughout its history.

- **Closed**—separate contests for each party. Only candidates of that party may compete and only voters registered with that party can vote. The top vote-getting candidates within each primary advance to the fall general election. The state used this system from 1910 through 1912 and from 1959 through 1996.
- **Cross-filing**—identical to the closed primary, but candidates can choose to run in more than one primary at the same time. From 1914 through 1952, candidates could cross-file without revealing their true party registration. From 1953 through 1959, they could cross-file, but they had to reveal their true registration.
- **Semi-closed**—identical to the closed primary, but voters registered as independents can choose to participate in a party’s primary. Once they choose a primary, they can only choose candidates of that party. This system was in place from 2001 through 2011.
- **Blanket**—all voters receive the same ballot, allowing them to vote for any candidate of any party, race by race. Candidates still operate under the closed primary system, since the top vote getter in each party advances to the fall general election. This system was in place from 1997 through 2000, before it was struck down by the U.S. Supreme Court. The Court felt it violated the parties’ right to free association.
- **Top-two**—like the blanket primary, except instead of advancing the top vote getter within each party, the system advances the top-two vote getters overall. They can be of the same or different parties, meaning no party is guaranteed a representative in the fall campaign. This system has been used since 2012.

What followed was a back-and-forth between the state legislators and parties on one side and reform advocates on the other, with the former pursuing a mostly legal and legislative strategy to stop reform and the latter taking a more populist approach. The first strike came from the parties, who succeeded in overturning the blanket primary in the courts in 2000 by arguing that it violated the First Amendment right to free association. Reformers responded with Proposition 62, a “top-two” primary measure on the 2004 ballot that addressed the court’s concerns by seeking to ensure that primary winners were not perceived as officially associated with the parties. A broad bipartisan majority of the legislature then answered by placing a competing measure on the same ballot, one that simply ratified the status quo. The status quo measure (Proposition 60) passed handily. The reform measure failed to even earn a majority.

The opposing camps’ strategies merged in 2009 through an unusual set of circumstances. The state Senate leadership needed one more Republican vote to pass a budget in the midst of a meltdown in the state’s finances caused by the housing collapse that began the previous year. To secure the final vote, they made a deal to place another top-two primary measure on the ballot, which ended up as Proposition 14 in 2010. Proposition 14 differed in largely superficial respects, otherwise offering something like a second chance to pass Proposition 62. And this time, the legislature made no effort to undermine the measure because they had put it on the ballot themselves. Proposition 14 passed with 54 percent of the vote.

Possible Factors Driving Reform

There have been five initiatives to establish redistricting commissions⁴ and three to establish a more open primary system. In addition, one important initiative simply ratified the existing primary system of the time. What accounts for the success of some of these reforms and the failure of others? Since all moved through the initiative process, this is largely a question of identifying factors that might have directly affected voter opinions. Three broad categories of factors could account for these dynamics: voter frustration with the state of government, the content of the laws themselves, and the coalitions of interests that formed to support change.

Voter Frustration

The most straightforward explanation for success would be an attitude change among voters. As detailed above, a strong motivation for both Propositions 11 and 14 was a sense that government was failing in its most basic duties, and doing a poor job of representing the public. The parties were becoming more polarized, budgets were getting harder to pass, and major policy issues like infrastructure maintenance were being left by the wayside. The PPIC Statewide Survey was finding record low approval of the legislature and consistently low trust in government. It might have been that voters would support almost any change to the status quo if it promised to fix these problems. By this reckoning, the particulars of the reforms or the arguments for them were not so important. The reforms sold themselves because they landed at exactly the right time.

The Reforms' Content

In addition to any possible trends in public opinion, the reforms themselves changed over time. Each reform had its own particular approach to its subject. The first rows of Tables 1 and 2 outline these content differences. For the redistricting reforms, the most significant variation has centered around judicial involvement in the process (see Table 1). Each of the four measures Republicans proposed either empowered judges to choose the commission's members or appointed judges directly to the commission itself.⁵ Beyond the role of judges, these four measures differed mostly in the number of commission members, the role of legislators, and some other specifics of the process. All of them required that the commission draw compact districts that divided cities and counties as little as possible, and each one covered line drawing for the legislature, state Board of Equalization, and U.S. House delegation.

Proposition 11, the first successful redistricting reform, differed from these others in two important respects. First, it offered no role for judges or the judiciary apart from the natural role they would play in any legal action against the plans. In fact, it made a point of forming a commission of ordinary citizens, and it strove to insulate them from the political class as much as possible (Cain 2012). Second, it established respect for "communities of interest" as one of the main constraints on the commission's plans, ranking this along with all constraints in explicit order of importance—something that had been absent from previous reform

⁴ This does not include Proposition 20 in 2010, which extended the authority of the Proposition 11 commission to congressional districts, nor any of the many proposed initiatives that did not make it to the ballot.

⁵ The last of these reforms, Proposition 77, went so far as to create a three-member commission of retired judges, just like the Special Masters, and to call this commission "Special Masters" in the text of the law itself.

proposals. As described in greater detail below, both of these steps probably helped to build a broader coalition behind reform.

Moreover, for the first time, Proposition 11 explicitly omitted congressional districts in an attempt to avoid a broader fight. Although those districts were included in a follow-on measure two years later, at the time that Proposition 11 was on the ballot there were no explicit plans to extend the reform to Congress. In the midst of the redistricting fights of the 1980s, this sort of concession might not have amounted to much, since state legislators could have been expected to fight hard for their own fates as well. But in 1990 voters passed strict term limits for the legislature that prevented any legislator from serving through more than one redistricting without changing chambers. Legislators were no longer as invested in the redistricting process. Thus, Proposition 11 excluded members of Congress from the scope of the reform at the very time when they were likely to be the most intense opponents.

The most important variation in the content of primary reforms has been the change from a blanket primary to the top-two (see Table 2). The blanket allows primary voters to vote for any candidate they like, regardless of party, and then it advances the top vote-getter within each party to the fall election. The Supreme Court felt this approach violated the First Amendment right of association because it forced the parties to allow non-members to contribute to decisions about official party nominees. The process was considered a party primary and the winner was always labeled as the party's nominee. The top-two, by contrast, grants voters the same freedoms as the blanket primary, but then advances the two candidates receiving the most votes to a fall runoff campaign, even if they identify with the same party. To the Supreme Court, that made it hard to call these candidates the official nominees of the parties in any real sense. To make this point even clearer, all the candidates in the top-two are said to have a party "preference" that does not reflect any endorsement by the party organizations.

TABLE 1
Characteristics of redistricting reform initiatives

Commission process	Prop 14 (1982)	Prop 39 (1984)	Prop 119 (1990)	Prop 77 (2005)	Prop 11 (2008)
Members	Citizens, Judges, or Legislators (10+)	Judges (8)	Citizens (12)	Judges (3)	Citizens (14)
Selected by...	<ul style="list-style-type: none"> • Judges • Legislators • Major parties 	Random draw	<ul style="list-style-type: none"> • Non-partisan organizations • Judges 	<ul style="list-style-type: none"> • Random draw • Legislators 	<ul style="list-style-type: none"> • State auditor • Random draw
Party balance required?	Yes	Yes	Yes	Yes	Yes
Major criteria	<ul style="list-style-type: none"> • Compactness • City/county lines • Nesting 	<ul style="list-style-type: none"> • Compactness • City/county lines • Nesting • Ignore politics 	<ul style="list-style-type: none"> • Compactness • City/county lines • Nesting • Competitiveness 	<ul style="list-style-type: none"> • City/county lines • Compactness • Ignore politics 	<ul style="list-style-type: none"> • City/county lines • COI • Compactness • Nesting • Ignore politics
Applies to...	<ul style="list-style-type: none"> • Legislature • BoE • U.S. House 	<ul style="list-style-type: none"> • Legislature • BoE • U.S. House 	<ul style="list-style-type: none"> • Legislature • BoE • U.S. House 	<ul style="list-style-type: none"> • Legislature • BoE • U.S. House 	<ul style="list-style-type: none"> • Legislature • BoE
Placed on ballot by...	Signature campaign	Signature campaign	Signature campaign	Signature campaign	Signature campaign
Strong tie to governor?	No (Democrat)	Yes (Republican)	No (Republican)	Yes (Republican)	No (Republican)
Most supportive party	Republican	Republican	Republican	Republican	Republican
Party conflict	Strong	Strong	Strong	Strong	Weak
Percent voting yes	45.5% (Failed)	44.8% (Failed)	36.2% (Failed)	40.2% (Failed)	50.9% (Passed)

SOURCE: Specifics of each law come from the law's text, while specifics of the context come from the historical analysis in [Technical Appendix A](#).

NOTES: "Commission process" refers to details about how each commission is formed and the characteristics of its members. Among the major criteria for the commission process, "nesting" refers to the practice of constructing Senate districts out of two adjacent Assembly districts, with no discrepancy, while "COI" stands for "community of interest," a catch-all term for any social or economic factor that binds a group together and might suggest that it should remain intact within a single district. Among the institutions to which the commission reform applies, "BoE" stands for "Board of Equalization," a four-member state committee that handles certain tax issues. "Strong tie to governor?" asks whether the sitting governor took a clear and visible position on the reform, while "Party conflict" indicates whether the broader parties took clear and visible positions on the issue that were at odds with each other.

TABLE 2
Characteristics of primary reform initiatives

	Prop 198 (1996)	Prop 60 (2004)	Prop 62 (2004)	Prop 14 (2010)
Type of open primary	Blanket	N/A (Ratified status quo)	Top-two	Top-two
Placed on ballot by...	Signature campaign	Legislature	Signature campaign	Legislature
Strong tie to governor?	No (Republican)	No (Republican)	No (Republican)	Yes (Republican)
Most supportive party	Neither	Neither	Neither	Neither
Party conflict	Weak	Weak	Weak	Weak
Percent voting yes	59.5% (Passed)	67.6% (Passed)	46.1% (Failed)	53.8% (Passed)

SOURCE: Specifics of each law come from the law’s text, while specifics of the context come from the historical analysis in [Technical Appendix B](#).

NOTE: “Type of open primary” refers to the specific mechanism by which votes are aggregated under each reform; details of “blanket” and “top-two” primary types can be found in the text and in the sidebar on page 8. “Strong tie to governor?” asks whether the sitting governor took a clear and visible position on the reform, while “Party conflict” indicates whether the broader parties took clear and visible positions on the issue that were at odds with each other.

Coalition Dynamics

Each of the reforms also had its own constellation of supporters and opponents that potentially helped shape its fate. In the case of redistricting reform, these coalitions were mostly partisan. Each of the four redistricting reform measures Republicans proposed (Propositions 14, 39, 119, and 77) were conceived in the shadow of partisan fights over redistricting and received vigorous opposition from Democrats. At least two of the measures were also closely allied with a sitting governor: Republican Gov. George Deukmejian was the primary backer of Proposition 39 in 1984, and Arnold Schwarzenegger not only supported Proposition 77, he added it to a set of measures for which he called a special election in 2005. This gubernatorial involvement lent visibility and stature to each campaign, but at the risk of further cementing its partisan image.

Proposition 11, by contrast, was far less partisan from the beginning. Despite the rancor of the Proposition 77 campaign, behind the scenes the coalition against reform had been badly fractured by the 2001 redistricting. The complaints by minority rights groups dealt the most serious blow to the coalition, since Democrats had long appealed to diversity as a reason to reject Republican reforms. But the 2001 plan also angered good government groups, who disliked the lack of competition, as well as many in both the Republican and Democratic camps outside the legislature, who felt the plan had permanently limited their party’s potential. And although Governor Schwarzenegger supported the measure publicly and backed it financially, he was not as visibly involved as he had been for Proposition 77, and in fact helped the campaign reach out to former Democratic governor Gray Davis to further cement the effort’s bipartisan image.

Primary reform never had quite the same variation in its supporting coalition as did redistricting. As outlined in Table 2, both major parties were always officially opposed, and the public conflict between them was always fairly weak. If there was a change in the coalition of supporters, it was in terms of the strength and organizing capacity behind Proposition 14. Governor Schwarzenegger decided to forcefully back the measure after only tepid support for Proposition 62 in 2004, and ultimately supplied a substantial portion of

the money for the “yes” campaign. Meanwhile, the manner in which the reform made it onto the ballot helped to alter the legislature’s involvement. Although the legislature had placed a competing measure on the ballot in 2004, they were technically the authors of the Proposition 14 reform, and so were limited in their ability to criticize or fight it.

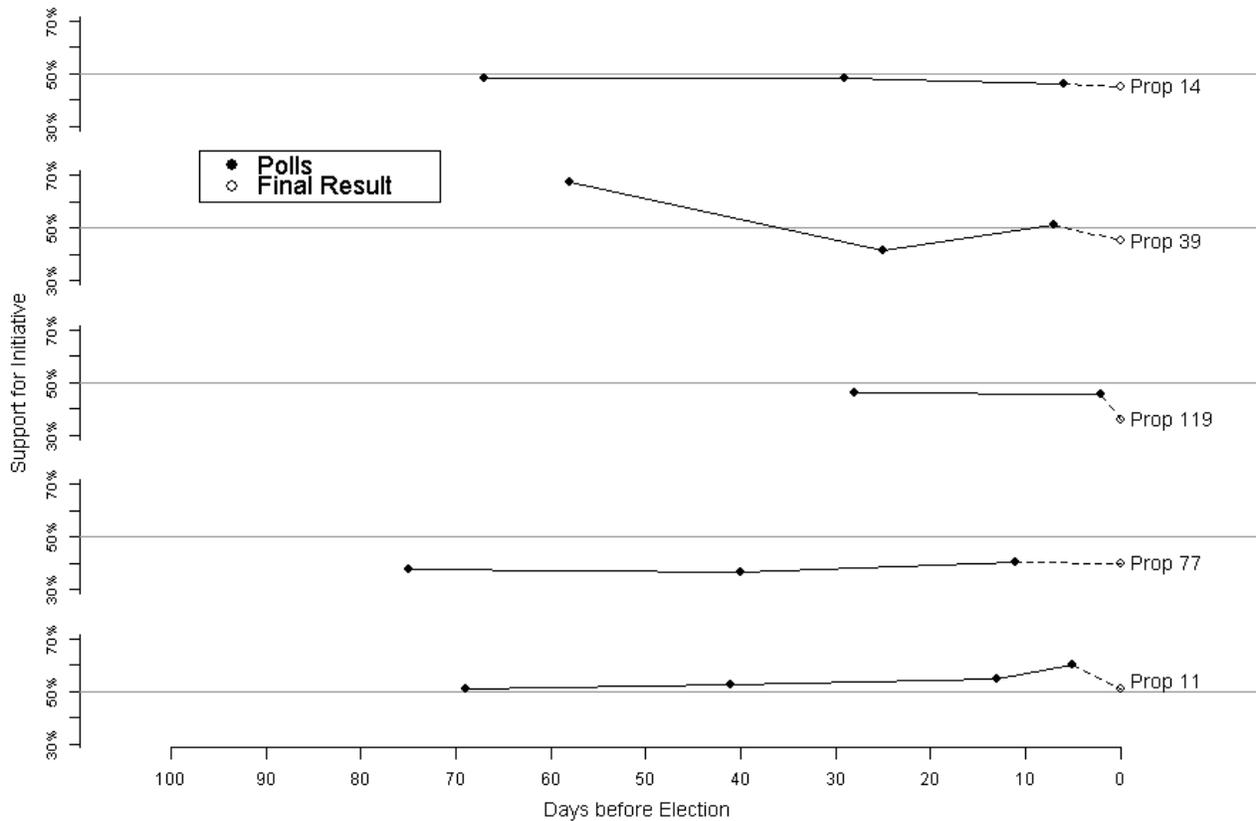
There was also a great deal of momentum behind reform after the passage of Proposition 11. A ready coalition of political reformers were already connected to each other and eager to try the next big change. In his classic work on agenda-setting, political scientist John Kingdon called such momentum “spillover” and argued that it was extremely powerful in advancing a policy agenda (Kingdon 2003). Given the rushed movement forward on primary reform, spillover arguably helped advocates get up and running more quickly than might have been the case otherwise.

Thus, the variation in supporting coalitions, content, and even motivation was more pronounced for redistricting than for primary reform. Redistricting reform was moved along by the decennial line-drawings themselves—concrete events with visible consequences. These events helped shape the coalitions that stood behind each reform, the kind of proposals offered, and potentially even the public’s readiness. By contrast, the motivation for primary reform and the general coalition of interests behind it never really changed. Primary reform was always a movement of relative moderates who sought to weaken the power of parties in response to longer-term trends in government and society. As such, it lacked the same concrete focusing events that pushed redistricting forward. Nonetheless, primary reform may have benefited from fortuitous timing, since it came on the heels of redistricting reform and made it to the ballot in a way that helped neutralize opponents.

Evaluating the Factors

So far this discussion highlights several differences across the various reforms. But which among them best explains the success of Proposition 11 and Proposition 14 when at least one previous effort in each category had failed? This is fundamentally a question about public opinion and reactions to campaign dynamics. Accordingly, this section reviews each of the explanations described above—voter frustration, reform content, and coalition dynamics—in light of the available public opinion on each reform. What seemed to be driving voters in their ultimate decisions?

FIGURE 1
Support for redistricting reform has not varied much over each election cycle



SOURCE: PPIC Statewide Surveys, August, September, and October 2005, August, September, and October 2008; Field Poll Nos. 82-05, 82-06, 82-07, 84-05, 84-06, 84-07, 90-02, 90-03, 05-03, 05-04, and 08-06.

NOTE: Vertical axis in each graph represents the share of likely voters saying they would vote for the initiative at each point in time; denominator in this calculation excludes “don’t know” responses in order to provide an estimate of the Election Day result (where voters are not allowed to register no opinion).

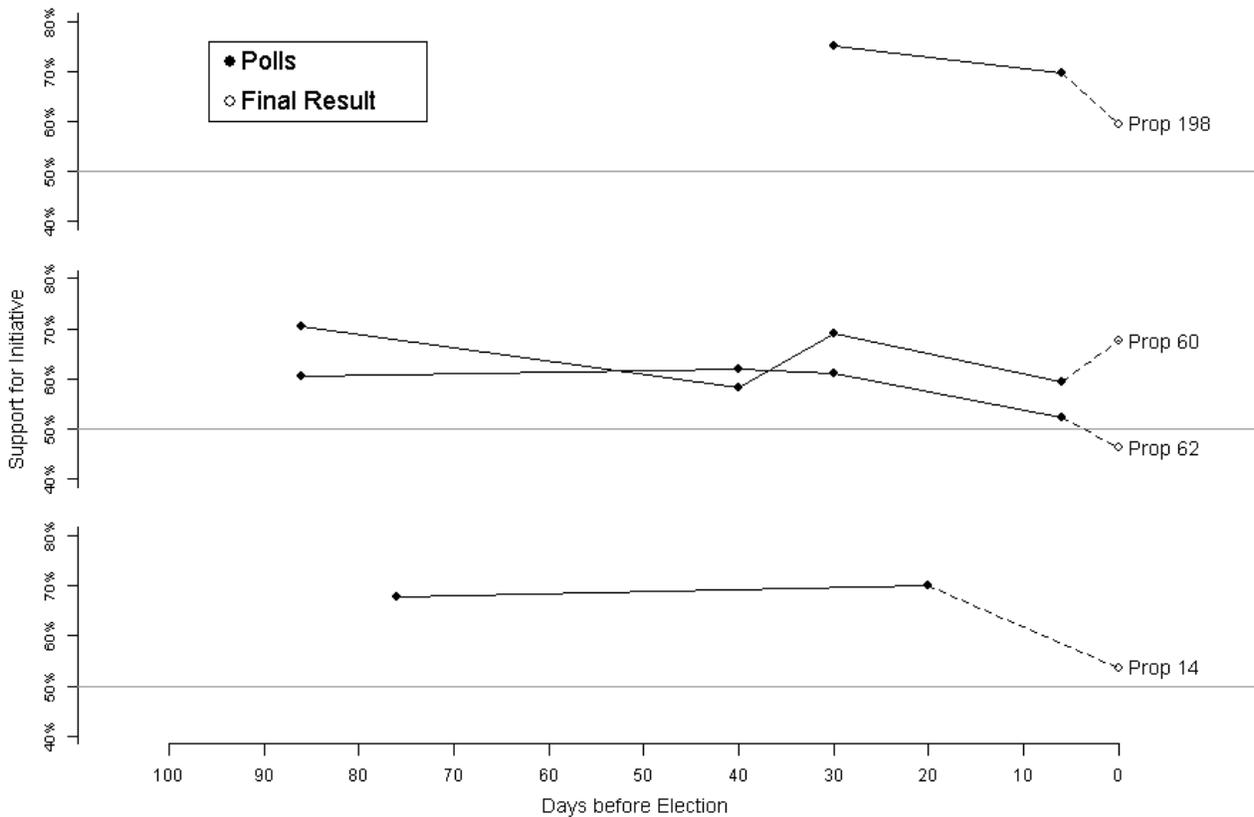
Before delving into the details on each measure, it is instructive to look at the basic dynamics of opinion for each reform. Figure 1 shows that over the five separate attempts at commission-style redistricting reform, support has been remarkably consistent during the heart of the campaign season.⁶ Although it is often said that initiatives start strong and then fade over time, the only redistricting initiative showing any signs of

⁶ Those expressing no opinion have been excluded from these calculations to offer a best guess at the outcome on election day.

such a pattern is Proposition 39, and even that is based largely on the results of a single poll. The rest seem to have had as much support weeks or even months before election day as they had on election day itself. Because all but one of these reforms failed, this means the reforms were consistently losing from the very beginning. Even the one success, Proposition 11, polled just above 50 percent over two months before election day and eventually won by close to the same margin.

By contrast, support for primary reform has tended to start out very strong and then fade in the more classic initiative pattern (Figure 2). Proposition 198 won with a healthy 60 percent of the vote, but it polled around 75 percent at first. Proposition 62 had the support of about six in ten voters with an opinion before that slipped noticeably with only a week to go. And Proposition 14's narrow margin of victory was not foreshadowed by its early polling, which suggested support by about two-thirds of the electorate. The only exception to this pattern is Proposition 60, which started strong and ended up about where it began, but which was the only measure discussed here that did not alter the primary system. Because we do not have opinions from the same group of people over time, it is difficult to say whether these patterns reflect undecided voters breaking against primary reform measures on election day or more knowledgeable voters changing their minds. Either way, the results suggest that opinions on redistricting reform have been steadier in the aggregate, while opinions on primary reform have struggled to find a firm footing.

FIGURE 2
Primary reform measures have started strong and faded



SOURCES: PPIC Statewide Surveys, September 2004, March, May 2010; Field Poll Nos. 96-01, 96-02, 04-04, 04-05, and 04-06.

NOTE: Vertical axis in each graph represents the share of likely voters saying they would vote for the initiative at each point in time; denominator in this calculation excludes "don't know" responses in order to provide an estimate of the Election Day result (where voters are not allowed to register no opinion).

Voter Frustration

Both primary and redistricting reforms were passed during a time of divisive partisan conflict and extraordinary political and economic turmoil. Might it be that voters simply became fed up with perceived problems in Sacramento and chose to support reform as a reaction to those problems? If so, those who expressed negative opinions about Sacramento government would be more supportive of reform. Although no single survey question can perfectly capture such anti-Sacramento feeling, the PPIC Statewide Survey has asked questions that get at the general idea at the same time that it has asked for opinions on primary and redistricting reform. The results do little to suggest that events in Sacramento could have produced the success reformers ultimately achieved.

TABLE 3
Anti-Sacramento opinions have had an ambiguous relationship with support for redistricting reform

	Prop 77: Redistricting (2005)	Prop 11: Redistricting (2008)
Overall support (% voting for)	30%	38%
Support among those who...		
approve of legislature	27%	37%
disapprove of legislature	35	40
trust Sacramento always / mostly	33%	42%
trust Sacramento sometimes / never	29	37

SOURCE: PPIC Statewide Surveys, August 2005 and August 2008.

NOTE: Because the objective is to describe public opinion at the moment of the survey rather than to estimate the actual vote on Election Day, the denominators in these calculations all include "don't know" responses.

Table 3 shows how approval of the legislature and trust in Sacramento related to views on two of the redistricting reform initiatives: the failed Proposition 77 and the successful Proposition 11. Approval of the legislature should matter more for support of reform than views about the governor or the president, since the reforms mostly targeted legislative behavior—entirely, in the case of redistricting reform. Those who disapproved of the legislature’s performance in 2005 were, in fact, more likely to support Proposition 77.⁷ The difference is not enormous—about 8 percentage points—but it is the one we would expect if voters were motivated by political dysfunction. Yet this same difference is actually *smaller* for Proposition 11, the measure that ultimately passed. Moreover, if we consider trust in Sacramento instead of approval of the legislature, the necessary relationship is completely absent. Those who expressed the most trust in Sacramento to do what was right were actually more, not less, supportive of reform, both with Proposition 77 and Proposition 11.

If anything, the necessary relationships are even harder to find for opinions on primary reform. Table 4 demonstrates that those who approved of the legislature were consistently *more* supportive of primary

⁷ Since the goal here is description rather than attempting to predict the outcome, the calculation includes those who expressed no opinion on the measure. The results are similar if these respondents are dropped.

reform than were those who disapproved. This difference was not large, but it was the opposite of what would be expected if negative reactions to problems in the legislature were driving support. The Statewide Survey never asked about trust in Sacramento on surveys asking about primary reforms, so it is not possible to match the results in Table 3 exactly. However, it did ask whether those responding to the survey felt the state was heading in the right or the wrong direction. Again, those more positively disposed toward Sacramento—in this case, by saying the state was heading in the right direction—were more supportive of primary reform. In the case of Propositions 60 and 62, this relationship was so modest as to hardly merit attention. But for Proposition 14, the difference was larger than the one between legislative approval and Proposition 77 above.

Perhaps the most surprising result in Table 4 is not the relationship between general opinions about Sacramento and support for reform, but the one between the competing measures, Propositions 60 and 62. Despite the fact that the two measures were legally and logically inconsistent and could not both have become law, those who said they planned to vote for Proposition 60 were actually more likely to support Proposition 62 as well. Granted, these voters were being asked for their opinions more than two months before election day, leaving time for the confusion to be cleared up. But the Field Poll found the same counterintuitive relationship one week before the election, including among those who said they were aware of the ballot measures.⁸ If the legislators who placed Proposition 60 on the ballot sought to sow confusion, it looks like they succeeded.

TABLE 4
Polling on open primaries suggested only weakly structured beliefs on the issue

	Prop 60: Affirm Existing Primary (2004)	Prop 62: Top-two (2004)	Prop 14: Top-two (2010)
Overall support (% voting for)	35%	51%	59%
Support among those who...			
approve of legislature	38%	56%	63%
disapprove of legislature	34	50	57
say California is heading in right direction	37%	53%	70%
say California is heading in wrong direction	34	50	58
support Proposition 60	–	64%	–
oppose Proposition 60	–	44	–

SOURCE: PPIC Statewide Surveys: September 2004, March, May 2010.

NOTE: Because the objective is to describe public opinion at the moment of the survey rather than to estimate the actual vote on Election Day, the denominators in these calculations all include "don't know" responses.

⁸ Interviewing for the last Field Poll in that election cycle was completed on October 27, six days before the November 2 election. Among those who were not aware of the measures, 65% of those voting "yes" on Proposition 60 also planned to vote "yes" on Proposition 62, compared to 42% of those voting "no" on Proposition 60. Among those who were aware of the measures, the same numbers were 55% and 29%.

The Reforms' Content

It appears, then, that opinions about the broader state of California politics had at best a weak and inconsistent role in the public's views about reform. But what about the actual content of the reforms? Though all the reforms were broadly similar to each other—all the redistricting measures established some form of commission, while all the primary reforms established a single-ballot format with race-by-race crossover voting—there were some important differences. Redistricting commissions could include judges and legislators, or could consist of just citizens. Primary reforms could raise the prospect of same-party contests in the fall or guarantee that only one representative from each party would be present on the fall ballot. Did any of these variations make a difference to voters?

To answer this question, it is important to try to separate the broader idea at stake from the back-and-forth of any given campaign. Opinions in the midst of the campaign might be colored by the way the idea was discussed and what interests lined up for and against it—in other words, by the sort of coalition politics that will be discussed in the next section. Thus, it is important to find public opinion questions about reform that were asked outside the normal course of an election season. Unfortunately, such questions are rare, meaning the evidence available is necessarily spotty and conditional. Nonetheless, what evidence there is suggests that the content of the reforms did matter in a way that might help explain the performance of each reform.

Table 5 shows the level of support the Statewide Survey identified for a variety of potential redistricting reforms: the panel of retired judges that was actually proposed many times; a panel consisting of members of the Little Hoover Commission (composed of citizens and some members of the legislature); and a commission of only citizens, as was proposed by Proposition 11. The survey frames all these questions as hypotheticals: the Little Hoover Commission proposal never made it to the ballot, and questions about the other two reforms were asked far outside the campaign season when each was considered. Thus, these results should be viewed as something close to voters' reactions to the broad concept of each reform.

Several patterns are visible in Table 5. First, the most popular of the three proposals is the citizen commission that resembles Proposition 11. About six in ten support the reform, with no real partisan differences. The least popular is the Little Hoover Commission approach. Since that question also mentioned that citizens would be part of the reform, and because knowledge of the Little Hoover Commission itself is likely very low among the broader public, the consistently negative views of it probably reflect the fact that legislators would also serve on the panel.

The most interesting results pertain to the panel of retired judges. Unlike opinion on the other reforms, there are notable partisan differences, with Republicans generally supportive and Democrats quite strongly against. This is true despite the fact that, at the time this question was asked in January 2005, there had not been a redistricting measure on the ballot in 15 years,⁹ the last Special Masters panel had drawn districts almost as long ago, and the first visible skirmishes in the fight over Proposition 77 were still months away. Nonetheless, the possibility of enacting the Special Masters process into law *had* recently been part of the public discussion, especially since the recall campaign when Schwarzenegger once again put the idea on the agenda. It appears that this ongoing conversation—and possibly even some lingering impact of past redistricting fights—had made the notion of a panel of judges a thoroughly partisan issue, even in the absence of a high-profile election campaign. It was an ominous sign for Proposition 77.

⁹ A reform similar to Proposition 77 was proposed in 2000 and actually qualified for the March primary ballot, but the courts threw it out for violating the single subject rule (Schrag 2003).

TABLE 5
Redistricting commission membership seemed to matter for its level of support

	Republicans	Independents	Democrats
Support districts drawn by...			
Panel of retired judges? (PPIC 2005)	56%	46%	34%
Little Hoover Commission (citizens + legislators)? (PPIC 2007)	40	38	40
Citizens? (PPIC 2006 and 2007)	64	63	59

SOURCE: PPIC Statewide Surveys: January 2005, May and October 2006, March and May 2007.

NOTE: Because the objective is to describe public opinion at the moment of the survey rather than to estimate the actual vote on Election Day, the denominators in these calculations all include "don't know" responses.

Are reactions also different to different primary reform proposals? Unfortunately, the evidence here is harder to come by. The Statewide Survey has only asked about the top-two primary reform. Apart from that, the most significant battery of questions on the subject comes from the 1983 Field Poll. This Field Poll asked voters about their support for four ideas. It first asked if they would like to allow independents to participate in selecting candidates in primaries at all. Then it asked if they liked the general idea underlying both the top-two and the blanket: that all candidates would be placed on one ballot regardless of party, as in a general election, and voters could choose whomever they liked to advance to the fall. Finally, it explored two possible ways of implementing such a single-ballot format: the blanket primary, where the top vote-getters within each party advance to the fall, and a nonpartisan top-two, which was the same as the top-two but without any party labels on the ballot.¹⁰

¹⁰ The age of the 1983 Field Poll raises legitimate questions about the value of a comparison to the PPIC Statewide Survey results of 2009. To make the two results more comparable, we took two steps. Separately for each partisan category, we regressed each of the questions from the 1983 Field poll on the following list of demographics: race/ethnicity (Latino, Asian/Pacific Islander, African-American), gender, education, and age. Using the coefficients from these regressions, we then predicted the proportion supporting each reform using the demographic data from the PPIC Statewide Surveys in March and September of 2009. These adjustments make very little difference to the results.

TABLE 6
Voters like primary reform options in principle, so long as party labels are on the ballot

	Republicans	Independents	Democrats
Support for...			
Independents in primaries? (Field 1983)	68%	84%	71%
All candidates on same ballot? (Field 1983)	64	77	65
Blanket primary? (Field 1983)	61	79	66
Top-two without party labels? (Field 1983)	31	55	35
Top-two with party labels? (PPIC 2009)	61	68	66

SOURCE: PPIC Statewide Surveys: January 2005, May and October 2006, March and May 2007; Field Poll No. 83-03.

NOTE: Numbers from the Field poll have been adjusted to account for demographic changes since 1983. See Footnote 10.

The results in Table 6 suggest several conclusions. First, independents seem the most supportive of primary reform in principle. This pattern holds across all the questions, though it is more pronounced in the Field data than in the PPIC numbers. Second, a solid majority of each partisan category supports almost every reform, suggesting that even partisans approve of the core idea of open primaries. However, there are also signs that voters prefer reform within a system that continues to be structured around parties. This is clearest when comparing the results for a system without party labels on the ballot to all the other results. Support is markedly lower for such a system: around 20 points for independents and thirty points for partisans. Support for the top-two primary is also slightly lower than support for the blanket primary among independents. However, given the differences in both time period and pollster, this distinction must be considered suggestive at best.

It is worth noting that the 1983 Field Poll also asked voters for their opinions of parties in public life. They asked whether the parties were fundamentally different from each other, whether partisanship was a good thing, and whether politics was too partisan. None of these questions showed a strong correlation with voter opinions on primary reform. This offers further evidence that primary reform is popular in the abstract but not very strongly grounded in connections to other beliefs and opinions.

In short, there are signs that the content of reform has mattered to voters. In the case of redistricting, the ultimate reform that passed—a citizen commission—was the most popular option voters considered, while the reform most often presented to voters—a panel with retired judges—had become strongly shaped by partisanship. In the case of primaries, voters seemed broadly open to any reform that did not remove party labels from the ballot, though there was also some tentative sign that the top-two approach was a little less attractive to independents.

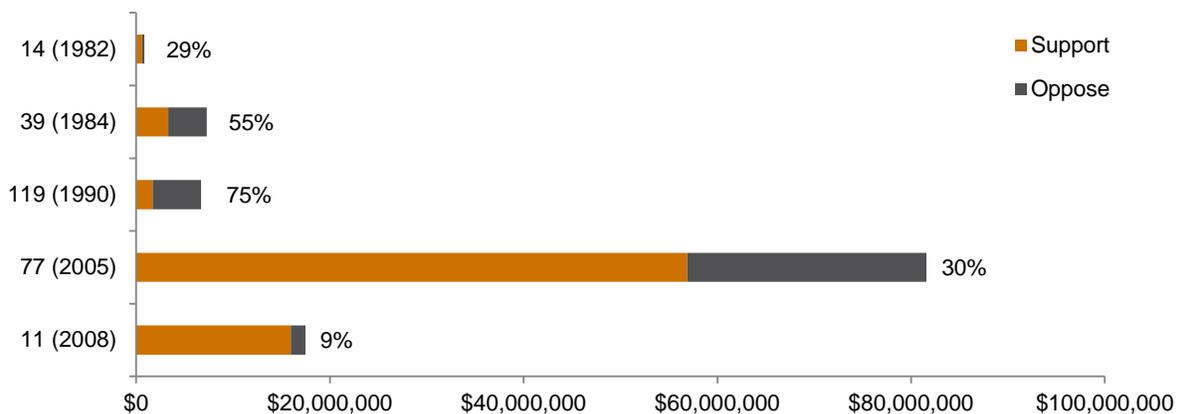
Coalition Dynamics

So far we have seen that voters were not clamoring for reform as a solution to problems with the status quo, but were nonetheless open to the idea of reform if the right sort of reform were presented to them. Moreover, research has demonstrated that voters often rely heavily on cues from groups they trust to help them make decisions about the sort of complex but low-salience issues that end up on the initiative ballot, and electoral reform is almost certainly no exception (Lupia 1994; Burnett et al. 2010). Thus, decisions about the kind of

reform and the way it was presented were arguably important to the prospects for success. This places the coalition behind each initiative campaign front and center, because the membership of the coalition helped determine the strategies taken by each side, the money spent, and even the content of the reform presented to voters.

These sorts of coalition dynamics clearly played an important role in the story of redistricting reform. Despite occasional support from good government groups, early attempts at reform were mostly partisan in nature, originating from and advocated by Republicans (Heslop 2003). Because the reforms were partisan, the parties were prepared to mobilize for the fight on each side, making for a relatively balanced campaign. Figure 3 presents the total money on each side in each redistricting reform campaign. The total amount of money spent on the first—Proposition 14—was relatively small, but opponents accounted for almost thirty percent of it. When one considers that the proponents also had to spend money to qualify the measure for the ballot in the first place, this number starts to look closer to parity. Opponents were even more active on Propositions 39 and 119, accounting for more than half the funds in each case. Proposition 77 dwarfed all these other measures in total money, in large part because it was wrapped up with a broader set of reforms on the same ballot. But the point about balance remains: opponents to Proposition 77 were active and spent liberally to defeat the measure.

FIGURE 3
Redistricting reform usually faced significant opposition



SOURCE: Stephanopolous (2007) (Propositions 14, 39, and 119); California Secretary of State (Propositions 77 and 11).

NOTE: Campaign finance amounts are in thousands of dollars. The numbers for Propositions 14, 39, and 119 are estimates from media reports.

In addition to matching the proponents in fundraising, Democrats made sure to turn redistricting reform into a partisan issue at every opportunity. For example, in 1984 Democratic Rep. Henry Waxman claimed that “the survival of the Democratic party in California” was at stake with Proposition 39 (Lindsey 1984). Democratic opponents also often appealed to the state’s rapidly changing demographics, a strategy made simpler by the central role assigned to judges in every one of the earlier redistricting measures. Some variation on the argument that the commission would be controlled by “a bunch of old, white, upper-middle-class men” was used against each of the redistricting commissions before Proposition 11 (Sanders 2005c; Stephanopoulos 2007).

Republicans could try appealing to good government principles, but with Democrats accusing them of a stealth campaign to “accomplish by initiative what [they] were unable to do in fair, free, regularly scheduled

elections” (Nunez 2004), they needed unified support from the reform community to make that case stick. Yet broad support from that community was hard to come by, and could not be guaranteed to emerge on any given proposal. Good government groups sometimes endorsed these efforts, as when Common Cause became a co-sponsor of Proposition 14 in 1982, or when the League of Women Voters—which had previously avoided the redistricting issue as a matter of policy—got involved in the campaign for Proposition 119 in 1990.¹¹ Yet there were also conspicuous failures, such as when the League of Women Voters not only failed to endorse Proposition 77, but publicly opposed it.

The partisanship of these earlier initiatives extended all the way back to the drafting stage. Proponents never made a serious attempt to bring potential opponents into the room with them to hammer out disagreements. In fact, the initiatives were sometimes drafted by individuals or sole interest groups and picked up by the broader party apparatus, which had decided to promote reform and needed a vehicle for it quickly (Quinn 2005). In this respect, the proponents were hardly unusual in California politics, where initiatives are often a way to achieve a policy objective that cannot be accomplished by direct negotiation and compromise with the other side in the legislature. But partisanship still makes vigorous opposition more likely. In fact, citizen initiatives are generally unsuccessful, passing just one third of the time, as opposed to a roughly two-thirds success rate for initiatives placed on the ballot by the legislature (Baldassare 2013). The necessary coalition-building that happens in the legislature is likely an important reason why the legislative measures succeed more often.

Proposition 77 was arguably the most extreme example of this partisan approach. Given the contentious partisan history of redistricting in California and the role of judges in it, Proposition 77 almost seemed designed to provoke opponents. It not only adopted the exact form of commission that had produced the 1991 redistricting plan—a three-member panel of retired judges—it called that commission “Special Masters.” On top of that, it required the new plan to go into effect in the middle of the decade. At the same time as this debate, Texas was in the middle of a highly partisan conflict over whether to redraw the state’s districts in the middle of the redistricting cycle. Given this context, the idea of redrawing the lines mid-decade in California was an especially partisan decision. As a result, it gave potential Democratic proponents only limited political cover to express their support openly. This lost some important potential supporters. For example, former Gov. Gray Davis was inclined to support redistricting reform (and in fact ended up as a supporter of Proposition 11). But the mid-decade implementation of Proposition 77 went too far for him, and he opposed the measure openly (Sanders 2005b).

These factors would likely have been enough by themselves to activate partisan feelings in the fight over Proposition 77, but it also appeared in the middle of a special election called to promote a series of measures in Gov. Schwarzenegger’s agenda. Several of the other measures on the same ballot also concerned highly controversial and partisan issues such as abortion, teacher tenure, spending caps on the state budget, and union dues. It was difficult to prevent feelings about those issues—and about Schwarzenegger himself—from creeping into views about redistricting. Indeed, a factor analysis suggests that support for Proposition 77 was more closely tied to support for the other measures on the ballot than had been the case in the earlier elections with redistricting reform.¹²

¹¹ Personal interview with Trudy Schafer, League of Women Voters, September 25, 2014.

¹² We fit a single-factor model to support for the ballot measures asked about by polls in each election. In all of the previous elections with a commission-style reform, loading on the single factor by the reform measure was fairly weak. In the 2005 special election, by contrast, the

In the wake of the Proposition 77 loss, it would have been easy to interpret the results as an anti-reform message from voters, and many did. For instance, Mark Abernathy, a co-author of Proposition 77, lamented that “It will be a long time before these kinds of reforms are brought forward again. How can we fight the unions?” But this reading revealed a great deal about what had created problems for the earlier reform efforts. Rather than wonder how the opposition could be defeated, it would probably have been better to wonder how they could be coopted, and whether new allies might be brought to the reform side. The 2001 redistricting plan had arguably opened a fissure in the coalition against reform. Some of the arguments against reform that had worked well before—such as the concerns about the potentially unrepresentative racial and ethnic composition of the body—were straining against the realities of the 2001 plan. Nativo Lopez, president of the Mexican American Political Association, argued in the midst of the Proposition 77 campaign that “White men were responsible for drawing the current lines, and we got shafted” (Sanders 2005c).

Likewise, some interests that had never or rarely been a part of the reform coalition began to become central to the effort. Senior citizen organizations had not been involved since the early days of reform, but Jeannine English at the California chapter of the American Association of Retired Persons (AARP) felt that had to change. She pushed to revise the organization’s policy at the national level to make involvement in California possible, and the organization has continued to engage in the redistricting issue in other states years after Proposition 11 passed. “It became clear to me that AARP’s agenda was made difficult if legislators were selecting the voters instead of voters selecting the legislators,” she noted.¹³ This change offered a signal to many other interests who might want to participate that it was now acceptable to do so.

Drafting of Proposition 11 included an extraordinarily wide range of potential stakeholders, including Republicans, Democrats, business, unions, civil rights organizations, and good government groups. Both supporters and opponents of Proposition 77 suddenly found themselves in the same room together. “I think we knew that not everyone in the group would end up supporting reform,” said Doug Johnson of the Rose Institute, who had been a supporter of Proposition 77 and participated in the discussions. “The goal was to get them to the point where they didn’t openly oppose it.”¹⁴

This process was painstaking and slow, and required important concessions. From the beginning, making the commission membership a panel of judges was off the table due to the opposition of key interests in the meetings.¹⁵ But for a true supporter of reform, this was not much of a concession. Indeed, we have seen that the ultimate solution—a panel of citizens—polled much better among both independents and Democrats. Civil rights groups, meanwhile, focused primarily on the criteria the commission was required to follow when drawing the lines. Earlier reform efforts, including Proposition 77, had included language about adherence to the Voting Rights Act, but without any additional protections and without explicitly ranking the criteria. Civil rights groups were particularly interested in having a requirement that communities of interest be included as an additional safeguard for minority representation. They urged that this requirement not be ranked in importance below compactness and respect for city and county boundaries.¹⁶

As a concession to the strength of congressional opposition to Proposition 77, congressional districts were also omitted from the measure. Due to the advent of term limits, this meant the reform exempted the

redistricting measure loaded strongly on the single factor, as did other measures supported by Schwarzenegger. See [Technical Appendices](#) for details.

¹³ Personal interview with Jeannine English, American Association of Retired Persons, October 2, 2014.

¹⁴ Personal interview with Doug Johnson, Rose Institute of State and Local Government, September 10, 2014.

¹⁵ Doug Johnson interview, September 10, 2014.

¹⁶ Personal interview with Rosalind Gold, National Association of Latino Elected and Appointed Officials, September 23, 2014.

politicians who were most invested in their districts and so most likely to want to resist any change. Again, the goal was not necessarily to bring all of these interests onto the “yes” side, but to make sure they did not fight the measure as aggressively as they had in the past.

Past drafting efforts had tried to anticipate the arguments of critics. But the drafting process for Proposition 11 sought to explicitly *involve* potential critics to a degree that past efforts had not. This involvement did not necessarily change everyone’s views. For instance, most civil rights organizations ended up opposed to Proposition 11 despite their input in the drafting stage.¹⁷ Likewise, Ted Costa — who as a drafter of Proposition 77 was involved in the conversations around Proposition 11 — eventually came out in opposition as well (Matthews 2008). Nonetheless, everyone interviewed for this report saw this process of coalition-building as critical to the measure’s success. “No matter how brilliant a small group of people might be,” argued Zabrae Valentine, one of the key people involved in the coalition-building and drafting stage, “they are going to miss something that a broader group with a lot of different perspectives won’t.”¹⁸

The eventual campaign for Proposition 11 also made every effort to downplay the divisions of the past rather than accentuate them. For example, though Governor Schwarzenegger was a significant donor to the campaign, he never placed himself at the center of it as he had for Proposition 77. In fact, Kathay Feng of Common Cause does not highlight Schwarzenegger’s money as important so much as his efforts to bring a broad group of ex-governors—including the previously fence-sitting Davis—into the fold. “Getting Gray Davis was critical,” she said, “because it emphasized the bipartisanship of the effort.”¹⁹ The campaign that proponents actually ran was similarly bipartisan and focused on points of broad agreement. “We tried to avoid getting into details about redistricting that people wouldn’t understand,” said Feng. “The commercials just said, ‘look who’s for this and who’s against it,’ and then it listed all these groups everyone likes on the pro side, and all these politicians on the con side. The message was simple.” Whereas the campaigns for previous measures had quickly devolved into partisan attacks, the Proposition 11 campaign tried to stay above the fray as much as possible.

¹⁷ Personal interview with Rosalind Gold.

¹⁸ Personal interview with Zabrae Valentine.

¹⁹ Personal interview with Kathay Feng, Common Cause, September 11, 2014.

TABLE 7
Partisanship and Schwarzenegger opinion sharply framed feelings about Proposition 77, but less so Proposition 11

	Prop 77: Redistricting (2005)	Prop 11: Redistricting (2008)
Overall support (% voting for)	31%	39%
Support among...		
Republicans	48%	45%
Independents/other registrants	29	40
Democrats	19	34
those who approve of Schwarzenegger	52%	43%
those who disapprove of Schwarzenegger	19	36

SOURCE: PPIC Statewide Survey, August, September, and October 2005; August, September, and October 2008.

NOTE: Because the objective is to describe public opinion at the moment of the survey rather than to estimate the actual vote on Election Day, the numbers are calculated as a fraction of all respondents who answered the question, including those without an opinion.

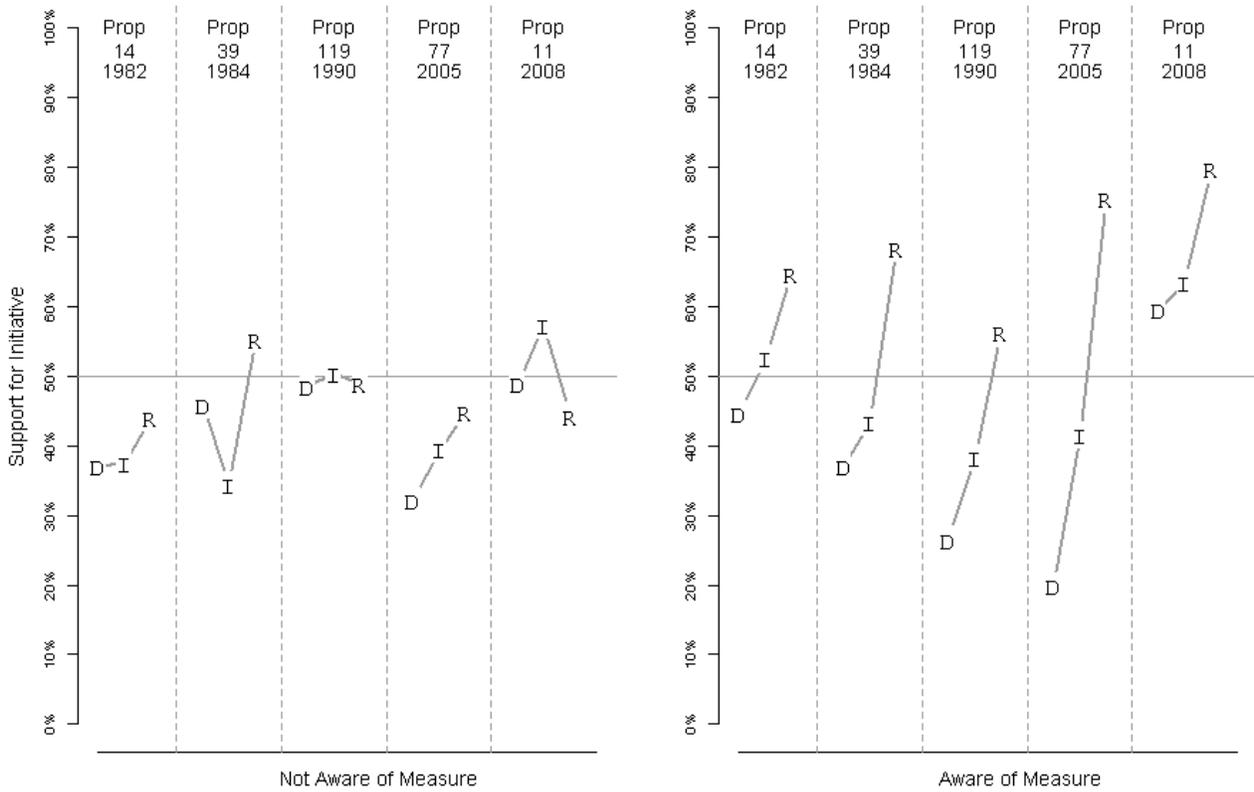
It helped that the opposition campaign never seriously materialized. As Figure 3 made clear, the “no” side—which consisted mostly of money from a few public-sector unions—was dramatically outspent, with less than 10% of the amount spent by the “yes” side. This was itself an unprecedented development in the history of California redistricting initiatives, and showed the extent to which the coalition-building campaign had defused opponents. Serious opposition by the national interests that could have gotten involved if control of Congress had been at stake was the dog that did not bark. In fact, media mogul Haim Saban, who had given \$100,000 to the campaign against Proposition 77, gave an equal amount to the campaign supporting Proposition 11. Proponents also benefited from the fact that a political scandal hit state Senate leader Don Perata around the same time, preventing him from mounting a more vigorous opposition.

The results of this effort are visible when one compares polling on Proposition 11 to polling on earlier redistricting measures (Table 7). Though Proposition 77’s support was not strong in any partisan category, it was much higher among Republican voters (48%) than among independents (29%) or Democrats (19%). Not surprisingly, given the nature of the special election and the governor’s role in it, opinions of Schwarzenegger also became involved. Those who approved of Schwarzenegger in 2005 were on the fence about Proposition 77, but among those who disapproved of him, just one in five were willing to back the measure. These partisan differences were far more muted with Proposition 11 in 2008. While 31 points had separated Democrats and Republicans on Proposition 77, only 11 points separated them on Proposition 11. Likewise, the gap on Proposition 77 was 33 points between Schwarzenegger supporters and opponents, but only 7 points on Proposition 11.

The Field Poll did not consistently ask about gubernatorial approval for each of these ballot measures, but it does allow us to go back further in time when examining partisan differences. With the Field Poll, we can also separate voters into those who had heard of the measure and those who had not. Those who had not heard of the measure were reacting largely to the brief description given to them by the survey interviewer, and so were presumably thinking of the issue in more abstract terms. By contrast, those who had heard of

the measure were also more likely to have been exposed to the campaign for and against it, and if so should have given an opinion more influenced by those campaigns.

FIGURE 4
Proposition 11 activated party loyalties far less than had earlier redistricting commission campaigns



SOURCES: Field Poll Nos. 82-05, 82-06, 82-07, 84-05, 84-06, 84-07, 90-02, 90-03, 05-03, 05-04, 08-06.

NOTES: "Aware of Measure" was determined by a question on each Field Poll that asked respondents if they had heard of the initiative. The letters "D," "I," and "R" represent Democrats, independents, and Republicans, respectively.

The results in Figure 4 tell a story of voters whose partisan thinking was activated by the redistricting campaigns. In the panel on the left, the partisan differences for those who had not heard of the redistricting measures were small and inconsistent. Sometimes Republicans were more supportive than Democrats, and sometimes less so. Sometimes independents fell between the partisans in terms of support, sometimes they were the most supportive. None of the differences were large.

In the panel on the right, where voters had heard about the campaign, the results were starkly different. Democrats were always the least supportive and Republicans the most, with independents somewhere in the middle. Moreover, this partisan divide only appeared to grow with each succeeding redistricting measure, until it reached over 50 points for Proposition 77 in 2005. The one measure that broke from this pattern was Proposition 11. The partisan differences among aware voters were back to the far smaller magnitude of the first redistricting measure, but also at a much higher level of overall support. In fact, Proposition 11 was the

only one of the five redistricting measures where a majority of the aware in each partisan group supported reform.²⁰

Thus, all the signs here suggest that the careful coalition-building efforts on the part of the Proposition 11 drafters were successful in both disarming the opposition and downplaying the partisan divisions that had so consumed previous efforts. In fact, support for redistricting reform among those who had not heard about each measure was quite weak. That suggests that the campaign may have been important in convincing voters to take the plunge for Proposition 11, just as in previous efforts it had convinced many to oppose change.

The coalition dynamics of primary reform have generally been different. Unlike redistricting, there has never been a significant divide between Democrats and Republicans on the issue, with one party seeing an opportunity and the other an existential threat. Instead, among the political class there has typically been unified opposition to any type of primary reform. The two major parties actually went so far as to hold a joint press conference to declare their opposition to Proposition 198 in 1996. Democratic Party Chairman Bill Press joked at the time that, “I want you all to get a picture, because you’ll never see this crowd together again” (Rarick 1996). As Steve Peace, one of the leading advocates of reform, put it, “The reality is that you’re running against the entire political establishment.”²¹

Proponents of primary reform certainly waged their campaigns like an embattled minority unlikely to receive concessions from the other side. In contrast to redistricting, there was no broad coalition. Development of the initiatives occurred within a community of like-minded interests, and the drafting process attempted to anticipate objections rather than respond to them directly in the context of negotiations. This may in turn have reflected two differences from redistricting. First, the legislature’s 2001 redistricting plan was a significant enough departure from the status quo to have offended a broad range of interests, fracturing the old alliances and making a new conversation easier to conduct. There was no comparable *bête noire* for primary reform. Though concern with the consequences of a more closed primary system had been building for some time (and in fact helped lead to reform in the mid-1990s), the post-blanket primary system was a compromise that had been proposed by the reformers themselves.

Second, although the courts had placed significant constraints on the redistricting process more generally, these applied equally to both legislatures and commissions. As a result, reformers were relatively free to design any commission process that would facilitate the negotiations. By contrast, the U.S. Supreme Court’s decision to strike down the blanket primary left very few options available to reformers. The consensus on the basics of the top-two approach became even stronger when the Court upheld the intent of Washington state’s new top-two law in 2008 (see *Washington State Grange v. Washington State Republican Party* 552 U.S. 442 (2008)). Much of the drafting process that eventually produced Proposition 14 focused on ensuring that the new proposal would not violate this existing precedent. Supporters were so concerned about the legal issues

²⁰ The voters who are not aware of these measures, by dint of a lack of interest in politics, might be naturally less partisan than those who are paying more attention, in which case the differences shown here are not caused by the campaign. To explore this idea, we conducted a placebo test in the Appendix where we compared the same two groups of people—those aware and not aware of each redistricting measure—on highly partisan questions: presidential and gubernatorial vote, or in the case of the special election when there were no candidate races, presidential approval. If the apparent effect of the campaign really reflects a pre-existing difference in partisanship, then the pattern for the more partisan questions should resemble the pattern in Figure 5. Instead, on the partisan questions the two groups are virtually indistinguishable, with both exhibiting a large and consistent partisan divide.

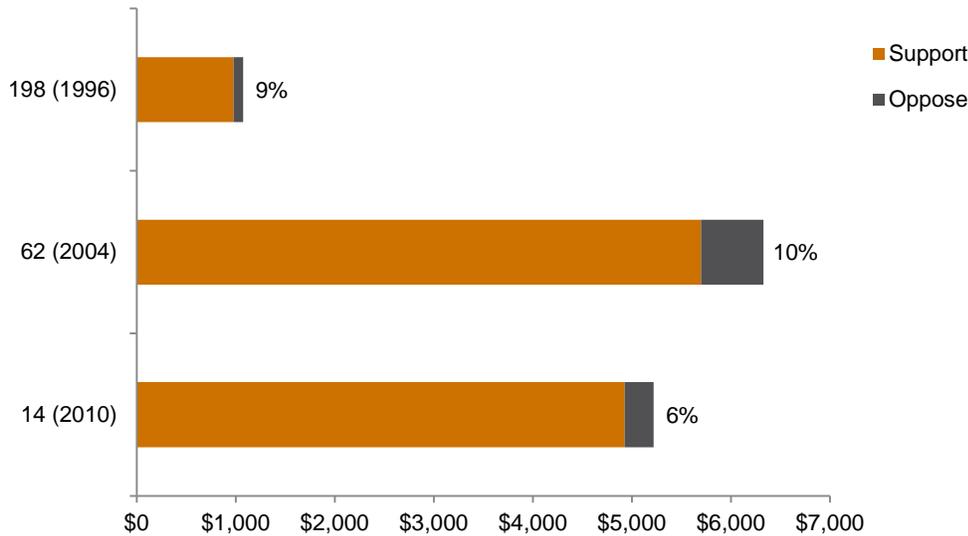
²¹ Personal interview with Steve Peace, Independent Voter Network, September 16, 2014.

that when the legislature asked Peace for his draft bill in the midst of the budget negotiations of 2009, he told them he would offer it only on the condition that they pass it without any changes.²²

Advocates for primary reform likely benefited from the fact that their opportunity on the ballot came immediately on the heels of the successful Proposition 11 campaign. Many members of the Proposition 11 coalition were sympathetic to the Proposition 14 effort, giving the initiative a far broader set of supporters than would normally be the case for something that emerged on the ballot under such unusual circumstances. Of course, this ready-made “spillover” coalition also came with funders—especially Gov. Schwarzenegger—who had backed Proposition 11 and were prepared to back Proposition 14 with more money than previous reform efforts had enjoyed (Kingdon 2003). And the circumstances of the initiative’s arrival on the ballot made it easy for this existing group of reformers to coalesce around the measure. After all, Proposition 14 was a *fait accompli* by the legislature; reformers could either support it or not.

Meanwhile, if the political establishment was uniformly opposed to primary reform, it never managed to mount a well-funded election campaign against it. Figure 5 shows that the “no” side never accounted for more than about 10 percent of the total funds in any of the three primary reform campaigns. This makes every primary reform measure as lopsidedly pro-reform as the successful Proposition 11 redistricting campaign. Moreover, the “yes” side was often able to spend a considerable amount of money from prominent wealthy moderates frustrated with the polarization of politics.

FIGURE 5
Primary reform never faced well-funded opposition



SOURCE: California Secretary of State.

NOTE: Campaign finance amounts are in thousands of dollars.

This weak opposition did not reflect a lack of passion or commitment on the “no” side. In fact, in two cases the opponents aggressively pursued legal or legislative strategies to take the measures down: a constitutional lawsuit to undo Proposition 198, and a competing initiative on the ballot to attack Proposition 62. Rather,

²² Personal interview with Steve Peace.

opponents may have lacked either the money or the message to wage an effective election campaign, and instead resorted to alternative approaches. Regardless, whatever constraints the opponents may have faced in pursuing an opposition campaign with earlier measures, the constraints were still more severe for Proposition 14. Proposition 14 was placed on the ballot by the legislature itself. Though its support in the legislature emerged as part of a budget deal and did not necessarily reflect a genuine desire for reform, the legislature was not about to place a competing measure on the ballot as it had done to kill Proposition 62. In placing Proposition 14 on the ballot, legislators had not agreed to be excited about the reform, but they had effectively agreed not to oppose it in a unified fashion.

The general weakness of the opposition campaigns is ironic, since public support for primary reform has typically been widespread but soft. The numbers from Table 8 suggest that voters like the general idea of reform, and indeed, all three reform measures polled well early in the campaign. “The basic idea sells itself,” said Zabrae Valentine of California Forward. “With polling for Proposition 14, voters would give callers the messages before the callers could even test them.”²³ But these opinions were not clearly anchored in a larger network of opinions or beliefs, making them potentially vulnerable to any kind of opposition campaign. As Peace argued, “Party base voters respond to the messenger, not the message, so we expected to lose them over time. Our strategy instead was to establish a relationship with independents based on trust, and then communicate the ideas that would convince them to come to the polls.”

TABLE 8
Partisanship was less important to opinions on primary reform

	Prop 60: Affirm existing primary (2004)	Prop 62: Top-two (2004)	Prop 14: Top-two (2010)
Overall support (% voting for)	35%	51%	59%
Support among...			
Republicans	30%	48%	54%
Independents/other registrants	38	56	63
Democrats	36	52	60
those who approve of Schwarzenegger	34%	52%	60%
those who disapprove of Schwarzenegger	37	51	58

SOURCE: PPIC Statewide Survey, September 2004; August, September, and October 2008.

NOTE: Because the objective is to describe public opinion at the moment of the survey rather than to estimate the actual vote on Election Day, the numbers are calculated as a fraction of all respondents who answered the question, including those without an opinion.

Together, these factors tell a story of what made Proposition 14 different from redistricting and from previous attempts at primary reform. As with previous primary reform attempts, supporters worked among themselves to develop a proposal, but unlike previous attempts, legal precedent forced them to offer a version that may not have been quite as popular in the abstract. Their proposal arrived on the ballot under idiosyncratic circumstances that saved them from raising money to collect signatures and that inoculated

²³ Personal interview with Zabrae Valentine.

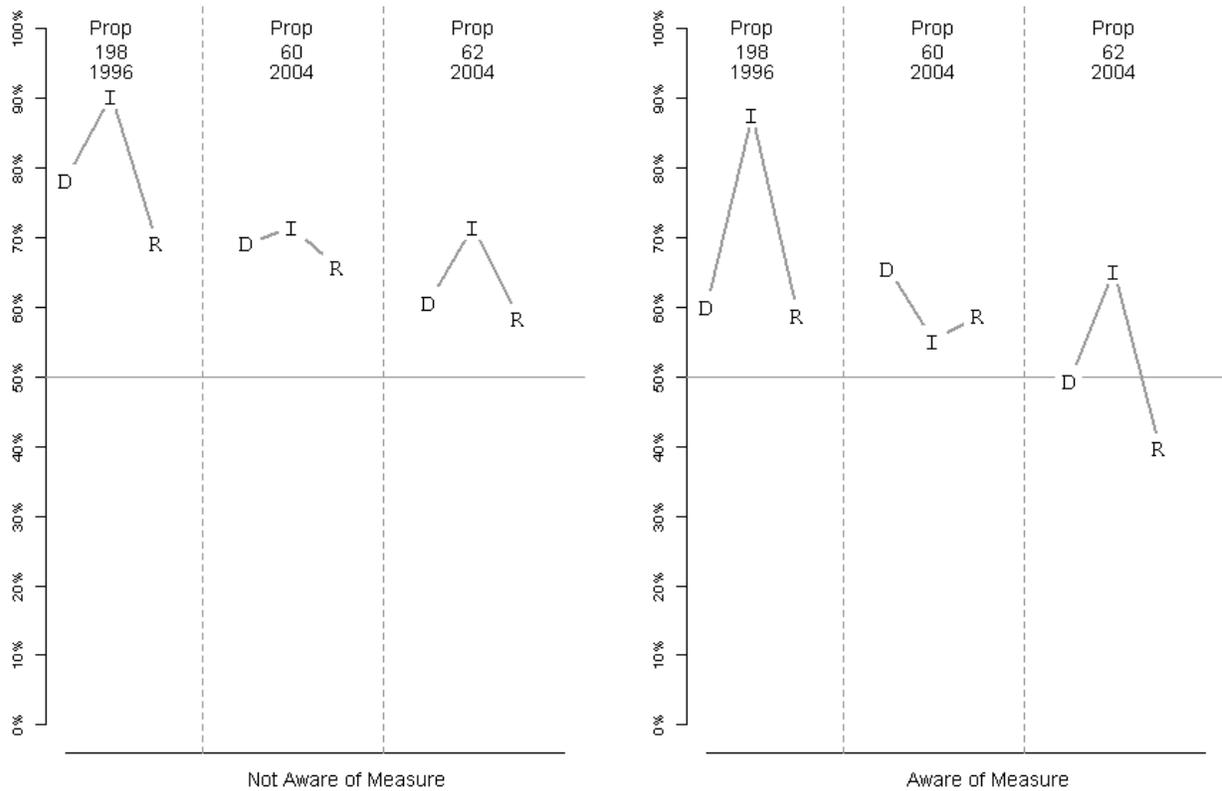
them against serious opposition by the legislature. They also received considerable money and support from a coalition that had already come together to support Proposition 11, and which included substantial funding from Arnold Schwarzenegger. Support among voters was still relatively soft, and easy to weaken further, but the measure's advantages in terms of funding and lack of serious opposition helped it pull off a small but comfortable victory. As with redistricting, coalition politics was critical to this reform, but in a far more ad hoc and serendipitous way.

The polling evidence mostly supports this coalition story, but less cleanly than for Proposition 11. Voter opinions on primary reform certainly have been less structured by partisanship. Whereas Democrats and Republicans had different views on redistricting reform, Table 8 makes clear that the difference for primary reform was never more than about six percentage points in the PPIC Statewide Survey. Rather than a traditional partisan divide, independents seem slightly more supportive than either Democrats or Republicans. However, they were also more supportive of Proposition 60, which simply ratified the existing primary system, further confirming that voters were confused by the competing measures. Meanwhile, Table 8 also shows that, despite Schwarzenegger's public support, voters never associated the governor with this issue in the same way they did with redistricting. Those who approved or disapproved of Schwarzenegger were about equally likely to favor either reform or the status quo.

The polling also demonstrates that support for these reforms started high, but was vulnerable to attack by even a weak opposition campaign. Figure 2 has already demonstrated how tenuous the polling support could be, with relatively high rates early in the election cycle evaporating by election day—even for the two ballot measures that ended up passing. Likewise, Figure 6 shows that, unlike with redistricting, support for primary reform was higher among those who had *not* heard of the ballot measure in each case, and the difference was larger among partisans of both stripes than among independents.²⁴

²⁴ Field did not poll on Proposition 14.

FIGURE 6
Past primary reforms have been attractive to independents, but Proposition 60 left no partisan signal



SOURCE: Field Poll Nos. 96-01, 96-02, 04-04, 04-05, and 04-06.

NOTES: “Aware of Measure” determined by a question on each Field Poll that asked respondents if they had heard of the initiative. The letters “D,” “I,” and “R” represent Democrats, independents, and Republicans, respectively.

There are also signs that despite obvious confusion about these ballot measures, voters did view Proposition 60 differently. Support was somewhat lower among those who were aware of the measure, but not by as much as with Propositions 198 or 62. Furthermore, the results in Figure 2 made clear that Proposition 60’s support did not fade in the same way that support for the blanket primary or the top-two did. This is consistent with the notion that it was easier for opponents of these measures to sow doubt in voters’ minds about the merits of changing the system.

There is even some evidence, however tentative, in favor of the idea that reformers might have done better if they had been free to offer something closer to the blanket primary again instead of the top-two. Support for the top-two was slightly lower in the 2009 PPIC survey than was support for the blanket primary in the 1983 Field Poll. The long time-span and different survey houses that separate these two numbers should add a large grain of salt to this result. Nonetheless, support for the actual ballot measures that proposed these two systems shows a similar difference. Support for Proposition 198 was higher across all partisan categories, regardless of whether a voter had heard of the measure or not. And despite underperforming the polls on election day, the measure still received 60 percent of the vote. By contrast, the top-two consistently polled lower than Proposition 198 in both 2004 and 2010, and when it finally passed in 2010, it claimed a narrower 54 percent of the vote.

However, this coalition-focused story stumbles somewhat when comparing Proposition 14 to Proposition 62. Both were top-two primary reforms that differed only in the sort of nuances that most voters do not attend to.²⁵ Neither was the relative visibility of the “yes” and “no” campaigns likely to have been a major factor, since the proponents significantly outspent the opponents in each case. It is not even clear that the presence of Proposition 60 on the ballot in 2004 was terribly important, since Table 4 suggests that voters who supported that measure were actually *more* likely to support Proposition 62 as well. And while in principle Proposition 60 elevated the threshold necessary to pass a competing primary reform measure, the fact that Proposition 62 did not even manage a simple majority of the vote on election day rendered that tactic moot.

In place of a clean story for the success of the top-two the second time around, the best we can do is to speculate about possible explanations that seem plausible but for which we do not have concrete evidence. Of these, the most promising is that voters in 2004 simply confronted a different reality on election day than they reacted to in the polls. The order of the propositions on the ballot—which placed the legislature’s measure first by explicit design—may have encouraged a “yes” vote on 60 and a “no” vote on 62. Garry South, one of the principal consultants on the Proposition 62 campaign, said that they experimented with the order of the ballot measures in their polling on the issue, and that whichever measure they asked about first generally did better. Voters might have been at least a little disinclined to vote “yes” twice, and even a small difference may have been all that was needed.²⁶ Moreover, as noted earlier, the ballot arguments gave more opportunities to make the distinction between the two measures. Opponents of Proposition 62 mentioned the distinction when presenting the argument for Proposition 60, and they worked hard to tie Proposition 62 to the top-two system used in Louisiana. These arguments may have been enough to separate the two measures in a way that they had not been distinguished in the polls leading up to the race.

Nonetheless, even this explanation has trouble accounting for the fact that the polling on Proposition 14 was higher at every stage of the election campaign. The reality is that there may not be enough hard evidence to say conclusively why Proposition 14 did better than Proposition 62. If one is looking for lessons from the experience, the commonalities between the two measures may be worth as much attention as their differences. They strongly resembled each other because the options available for reform were legally constrained, and though the “no” campaign was weak in both cases, support for primary reform among voters has been soft enough that even a weak campaign could threaten success.

²⁵ Proposition 62 was somewhat kinder to third parties, making it easier for them to qualify for the ballot under a top two system and offering a write-in option for the fall ballot. Proposition 14, for its part, significantly relaxed the restrictions on changing one’s party registration prior to filing as a candidate, and also changed the label for party registration to party “preference.” While the drafters of Proposition 14 did consider the party preference change important, they made it because of the relaxation on changing party registration when filing as a candidate. Since neither provision was part of Proposition 62, the change is not likely to explain the difference in performance. Also, these nuances were not included in the summary descriptions provided to voters on the ballot and in the voter guide.

²⁶ Personal interview with Garry South, September 12, 2014.

Conclusion

The story of these political reforms in California is, in the end, a story that turns a great deal on the behavior of political elites, and often of individual players among those elites. Although voters have always ratified the changes, political reform is not a grassroots enterprise. Voters do subscribe to general principles of democratic fairness, but these principles may not always be of much use when evaluating political reforms, since those reforms concern democracy at a level of detail beyond the ken of all but the most involved and engaged citizens. After all, nobody disputes that California is a democracy, with or without reforms. Instead, the question voters have confronted is whether their democracy could be made *better*, and whether the specific reforms presented to them would actually accomplish that goal.

This is not to say that voters had no opinions. They viewed some reforms more favorably than others. They appeared to prefer a redistricting panel consisting of average citizens to one that included either judges or legislators. They seemed somewhat more inclined toward primary reform that preserved some of the partisan signals of the existing system than one that downplayed them. But which of these measures was presented to them, and how vigorously that measure was contested, was largely a product of conflict and negotiation among political activists and interests.

For redistricting reform, success appeared to hinge on building a broad coalition that would avoid partisanship as much as possible. The considerable opposition to the 2001 redistricting plan fractured the existing left-of-center coalition against reform and permitted a new bipartisan coalition to be constructed in its place. Even so, building that new coalition was slow and painstaking. Even with that coalition in place—and an overwhelming spending advantage in the campaign—Proposition 11 barely passed.

For primary reform, the opposition had always consisted of an unusual coalition of both major parties. This opposition never seemed willing to mount a traditional election campaign against primary reform, preferring to attack it either in the courts or through legislative initiatives. But it is possible that the campaign did not need to be all that vigorous. Voter opinions on primary reform were relatively soft and susceptible to opposition arguments, and the proponents were legally constrained in the sort of reform they could offer to voters anyway.

In sum, the evidence presented here suggests that even a crisis of confidence in the governing structures of the state of California—which had become widespread in certain circles leading up to the reform—was not enough to ensure the success of any given reform option. Voter dissatisfaction with government is a shaky platform on which to build a reform movement. Whatever the merits of reform, there will always be opponents who will seek to derail it, and political reform topics will always be abstruse enough to the average voter that a substantial number of them will be open to the “no” position just to avoid the risk of poorly understood change. Ironically, political reform—which generally fights to empower average citizens—must start with a measure of consensus in the political establishment. This consensus can be hard-won—as it was for redistricting—or it can be serendipitous—as it was for primary reform—but without it, the cause of reform will generally be an uphill battle.

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About the Authors

Eric McGhee is a research fellow at PPIC, where he focuses on elections, legislative behavior, political reform, and surveys and polling. His research on elections and electoral reform has appeared in numerous academic journals, and his work has been profiled on National Public Radio, the Washington Post, the New York Times, and the Economist. He is an occasional contributor to the Washington Post's Monkey Cage blog on politics. Before joining PPIC, he was assistant professor of political science at the University of Oregon and served as a Congressional Fellow through the American Political Science Association. He holds a PhD in political science from the University of California, Berkeley.

Daniel Krimm is a research associate at the Public Policy Institute of California, where he works on topics related to state governance, such as redistricting, election systems, political geography, state-local relations, and realignment. Before joining PPIC, he was a global policy fellow at IP Justice, addressing issues in information and communication technology and internet governance. He holds an MPP degree from the University of Southern California and a BA from Princeton University in the history and philosophy of science.

Acknowledgments

This report would not have been possible without the input of a number of people deeply involved in these reforms, who took time from their busy schedules to speak on the record and in depth about their experiences. This list includes Tom Campbell, Jeannine English, Barry Fadem, Kathay Feng, Rosalind Gold, Doug Johnson, Steve Peace, Garry South, Duf Sundheim, and Zabrael Valentine. The report also benefited enormously from the comments of both external and internal reviewers. Those outside of PPIC included Bruce Cain, Tony Quinn, and Fernando Guerra, with a special thanks to Karthick Ramakrishnan for serving as the lead reviewer of this report. Inside PPIC, the report received important reviews and edits from Dean Bonner, Chansonette Buck, and Lynette Ubois. Thanks also to Mark Baldassare, Abby Cook, and Patrick Murphy for supporting both this project and a broader agenda of policy research in the governance domain.

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500 Washington Street, Suite 600
San Francisco, California 94111
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fax: 415.291.4401
www.ppic.org

PPIC SACRAMENTO CENTER
Senator Office Building
1121 L Street, Suite 801
Sacramento, California 95814
phone: 916.440.1120
fax: 916.440.1121