



PPIC

PUBLIC POLICY
INSTITUTE OF CALIFORNIA

MAY 2018

Eric McGhee

with research support from
David Kordus

Political Reform and Moderation in California's Legislature

Did Electoral Reforms Make State Representatives
More Moderate?



© 2018 Public Policy Institute of California

PPIC is a public charity. It does not take or support positions on any ballot measures or on any local, state, or federal legislation, nor does it endorse, support, or oppose any political parties or candidates for public office.

Short sections of text, not to exceed three paragraphs, may be quoted without written permission provided that full attribution is given to the source.

Research publications reflect the views of the authors and do not necessarily reflect the views of our funders or of the staff, officers, advisory councils, or board of directors of the Public Policy Institute of California.

SUMMARY

CONTENTS

Introduction	4
What Is Moderation?	6
The Logic of Reform	7
Evidence of Reform Effects	8
Have Campaign Donations Had a Moderating Effect?	13
Conclusion	16

Technical appendices to this paper are available on the PPIC website.

California implemented several important election reforms at the start of this decade. Each was intended in part to promote more flexible, moderate decision-making among California’s elected officials in an era of increasingly acrimonious partisan conflict. This report looks at the moderating effect of three reforms: the shift of authority to draw legislative and congressional districts from the state legislature to an independent redistricting commission; the loosening of term limits for state legislators; and a highly open “top two” primary system.

This report does not take a position on whether moderation ought to have been a goal of these reforms, but it does explore whether moderation was one of their effects. Were politicians elected after the reforms more moderate, on average, than the ones elected before? To what extent can we attribute these changes to one reform or another?

There are many ways to define “moderation.” In the context of this analysis, a legislator’s moderation is his or her willingness to vote with different political factions when bills come to a vote on the chamber floor (i.e., after being reported out of committee). The report offers the following conclusions about the impact of reform on moderation:

- **The Democratic caucus in California’s state legislature is somewhat more moderate under the reforms.** The Democratic congressional delegation is also slightly more moderate, but there is no evidence of increased moderation among Republicans in either the congressional delegation or the state legislature.
- **The increased moderation among Democrats is likely the combined effect of all three reforms**—each appears to have had at least some effect on moderation in the Democratic legislative caucus.
- **The increased moderation of California’s Democratic legislators becomes more significant in relation to their counterparts in other states, who have become considerably more liberal over this same period.**
- **Democratic moderation does not appear to reflect a shift in donation strategies.** California’s Democratic legislative caucus has not received a significantly larger share of its campaign money from traditionally Republican sources after the reforms.

Overall, then, the reforms appear to have had a small combined effect on moderation in California’s representation, which takes on a larger significance in the context of other states. The significantly larger impact on Democrats in the state legislature leaves important questions about the reason for that concentrated effect, since it does not seem to be linked to campaign contributions from conservative sources. However, the reforms are still new; their role and effect are likely to become clearer over time.

Introduction

At the end of the last decade, California voters endorsed several reforms that altered some basic rules of representation in the Golden State. In 2008 they passed Proposition 11, which shifted authority to draw state legislative and board of equalization districts from the state legislature to an independent commission, a success that came after four previous defeats (McGhee 2015). In 2010, Proposition 20 extended this reform to congressional districts and passed with 61 percent of the vote.

Redistricting reform was only the beginning. Voters relaxed the state's term limits with Proposition 28 in 2012, enabling legislators elected after the reform to serve up to 12 years in a single chamber. And as part of a budget deal in 2009, the legislature agreed to put a "top two" primary system on the 2010 primary ballot. The top-two system—which allows voters to choose any candidate in the primary regardless of party, and advances the top two vote getters, again regardless of party—passed with 54 percent of the vote.

These reforms were in part a response to deepening concerns about divisions among California's elected officials. The legislature had grown increasingly divided by party, to the point where it had become one of the most polarized in the country. Passing the budget with the necessary two-thirds vote had become more difficult, and the state legislature was criticized for favoring conflict over deal-making. The California congressional delegation had also become polarized, in line with Congress as a whole.

Each reform had the potential to address these developments in a different way. Independent redistricting had the potential to introduce more competition into fall general elections. Relaxed term limits could lengthen the time horizon for individual legislators. And primary reform could diversify the group of voters choosing the nominees.¹

This report assesses the impact of the reforms on moderation. The time is ripe for such an evaluation. There are now three elections under the new redistricting maps and the top-two primary, and virtually the entire legislature is now covered by the new term limits. Moreover, the reforms are still being debated. The redistricting commission and the top-two primary are being considered by other states; at the same time, there has been at least one attempt to revoke the top two in California (Hart 2017).

All the same, it is challenging to evaluate these reforms. All three applied for the first time in 2012, complicating the task of distinguishing the separate effects of each. Also, moderation is a slippery concept—it can mean different things to different people—so defining it clearly will be important. Nor was moderation the only rationale for these reforms. For example, redistricting reform was promoted as a way to end self-dealing (legislators drawing their own districts); primary reform was promoted as a way to expand voter choice; and term limits reform was presented as a way to augment expertise in the legislature. To evaluate the reforms in terms of the moderation of elected representatives necessarily narrows the range of potential effects.

More generally, given that the report evaluates reforms in a single state over just three elections, it is possible that any changes we observe were due to chance alone. California's high polarization before the reforms makes this

¹ For example, the ballot argument in favor of Proposition 11, the first redistricting commission initiative, asserted that "[m]any of the problems we face in California are a direct result of politicians not being accountable to voters. When they draw their own districts, we end up with gridlock and nothing gets done" ("Official Voter Information Guide, November 4, 2008 Statewide General Election," 2008). The ballot argument for Proposition 14, the top-two primary initiative, said that "the politicians would rather stick to their rigid partisan positions and appease the special interests than work together to solve California's problems," and encouraged a yes vote to "[r]educe gridlock by electing the best candidates...regardless of party" ("Official Voter Information Guide, June 8, 2010 Statewide Direct Primary Election" 2010). The ballot arguments for term limits reform were less clearly tied to polarization, but they did note that "[l]egislators who are jumping from office to office aren't focused on learning their job. This leaves legislators ill-prepared to stand up to more experienced special interest lobbyists and take on the big issues and challenges facing our state" ("Official Voter Information Guide, June 5, 2012 Presidential Primary Election" 2012).

caveat especially important. Prior to reform the party caucuses may have been as polarized as they were likely to become, leaving one or both more likely to move toward the center with or without the reforms.

I begin by determining whether members of the legislature and congressional delegation have been more moderate after 2012 than before it, regardless of the reason. I then try to disentangle the moderating influence of each reform. Finally, I consider one potential explanation of my findings, examining the possibility that Democratic moderation has been influenced by a shift in the dynamics of campaign finance donations.

What Is Moderation?

Political moderation in a public servant can mean many things. It might mean a set of policy positions that would be considered “moderate” no matter who supported them, because of their approach and aims. It might mean a tendency to support cautious policy that makes few changes to the status quo, even if that status quo is extreme. It might mean a pragmatic willingness to make deals under the right conditions even while taking extreme positions on most issues. Or it might mean the willingness to side with different parties or political factions from one issue to the next, or to support policies that mix the views of these factions.

In addition to how it is defined, there are a variety of ways it might manifest. Moderate legislators might take moderate public positions during campaigns or while in office. They might promote moderate policies behind the scenes, whether or not they end up supporting those policies publicly. Or they might vote for moderate bills but avoid expressing public support or even work against those bills in private.

This report defines moderation in terms of the votes legislators cast on bills, scoring a legislator relative to how other legislators are voting. It defines moderation as a willingness to align with different factions, as manifested in votes on public roll calls. All of the measures used here take this basic approach, but each has its own strengths so that together they paint a more complete picture. The measures are (see [Technical Appendix A](#) for details):

- **Shor/McCarty ideology scores.** A measure of state legislator ideology based in roll-call votes, adjusted using a survey of legislative candidates to make the scores comparable across states (Shor and McCarty 2011). The scores rank legislators in the way that best explains their individual roll-call decisions. The values tend to range from about -3 to 3, with higher values indicating more conservative legislators. The comparability across states allows the California legislature to be placed in the context of the nation as a whole. However, the measure assigns legislators one score that does not change as long as they serve in the same legislative chamber, making some comparisons difficult or impossible.
- **Adjusted Chamber of Commerce scores.** The Chamber of Commerce (the “Chamber”) tracks the positions taken by legislators on a set of bills it considers to be important. Each legislator is then assigned a score that indicates the percentage of these votes where the legislator supports the Chamber’s position. These Chamber scores are adjusted here to account for changes in the average and range of scores from one legislative session to the next (Groseclose et al. 1999). This produces new scores that measure a legislator’s support for the Chamber relative to other legislators. Because these scores can change over time and are based on a substantive set of issues, they address the limitations of the Shor/McCarty measure. However, they are not comparable across states.
- **DW-Nominate ideology scores.** This roll-call–based measure of ideology allows for some analysis of representatives in the US Congress (Poole and Rosenthal 1997). Like Shor/McCarty scores, the values tend to range from about -3 to 3, with higher values indicating more conservative members of Congress. Unlike Shor/McCarty scores, DW-Nominate scores can change over time.

This approach has certain implications. If a legislator’s roll-call record conflicts with his or her public statements, the roll calls carry all the weight. If most bills in a particular session get overwhelming support, a legislator’s ideology would be based on the subset of bills where legislators disagree. If a legislator joins extreme factions of their own party on most bills but votes with the opposing party on high-profile bills, he or she will still be placed at the extreme. As a practical matter, however, these different ideas of moderation tend to align: those who take moderate public positions on issues also tend to vote like moderates on roll-call bills and to do so on high- and low-profile issues.

The Logic of Reform

Because the reforms promote moderation in different ways, their effects can be disentangled. Redistricting reform seeks to encourage moderation by making districts more competitive. In theory, successful candidates in competitive districts need support from more than one side of the political spectrum. The districts drawn by the state legislature in 2001 protected incumbents of both parties from competition, and so arguably pulled legislators toward the poles. But drawing more competitive districts does not change the way that districts with similar partisan complexions are represented. A competitive district after the reform should elect someone about as moderate as a competitive district before the reform, while strongly Republican and Democratic districts should elect strong conservatives and liberals at about the same rates as before. What changes is the *number* of competitive districts that might elect moderates.

By contrast, the new top-two primary aims to change the way competitive districts are represented. Under the previous primary system, independents could usually vote in one party's primary and opposing party members could not cross party lines at all. The top-two primary allows voters to choose any candidate for each office, regardless of their own party affiliations, making for a more ideologically diverse electorate. Moreover, the two candidates receiving the most votes in a top-two primary advance to the general election, regardless of party. When two candidates of the same party face each other, party cues are removed from the voting decision, which potentially encourages even more cross-party voting. Thus, a competitive district should elect a more moderate candidate after the reform than a similarly competitive district did before. The same should be true for districts that are uncompetitive, since the primary electorate is more diverse in those districts as well. Candidates elected to represent such districts might be less moderate than those from competitive districts but still more moderate than those elected in a similar district before the reform.

Like the top two, relaxed term limits reform ought to increase moderation among all legislators, at least relative to the competitiveness of their districts. Legislators who are constantly running for new offices with new constituencies might need to rely on their party to help them gain traction, rather than building independent bases of support. By contrast, legislators with more generous term limits might be able to build coalitions that are relatively independent of the party, and so might support a more diverse range of policy ideas.² This effect should be visible for any state legislator newly elected under the relaxed limits, but the new limits did not affect continuing legislators and do not apply to the congressional delegation.

These different features can help isolate the likely causes of any observed increase in moderation. The redistricting reform should have increased the number of moderates, but only because it increased the number of competitive districts where moderates are more likely to be elected. To assess the impact of term limits, we can compare the ideological positions of state legislators newly elected after the reform to those of continuing legislators as well as those of US representatives (who are not subject to term limits). Finally, because the top two should be encouraging more moderation among continuing and newly elected legislators from all types of districts, any remaining increase in moderation once district competitiveness and freshman status are accounted for can potentially be attributed to that reform.³

² It is also possible that legislators with longer limits would come to see things in a more nuanced way through experience, and would develop the relationships necessary to build more diverse coalitions. Since we only have three election cycles under the new limits, it is not yet possible to examine these longer-term effects.

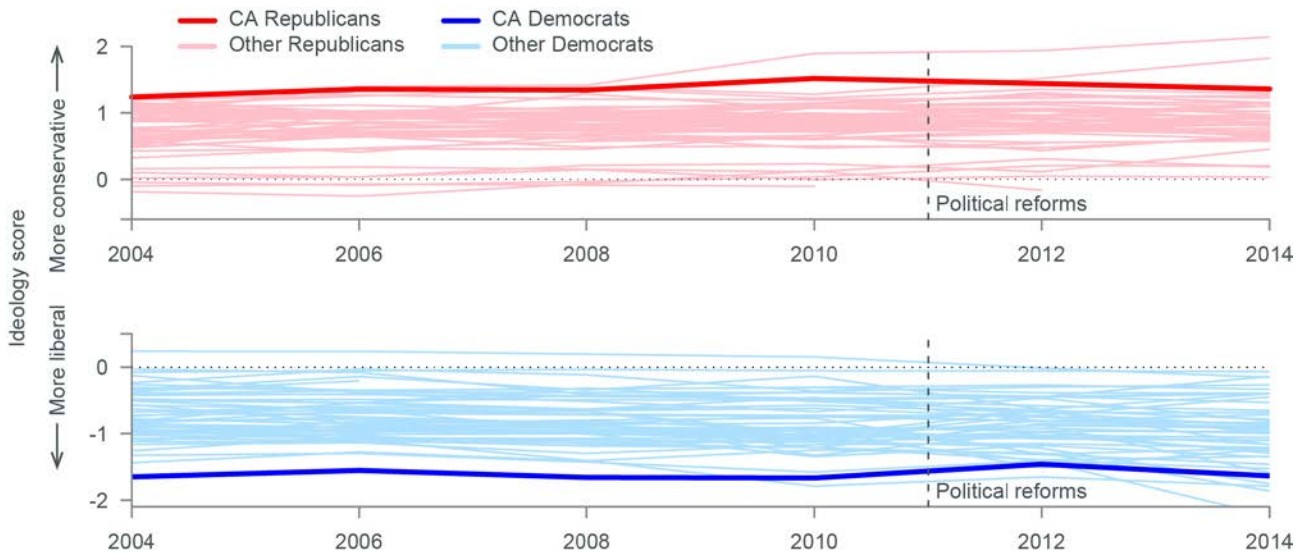
³ Proposition 25, which lowered the legislative threshold for passing a state budget from two-thirds to 50 percent, was implemented in 2011 and might also have affected moderation. The logic behind such an effect is more tenuous than the logic behind other reforms, so I do not include it here. [Technical Appendix A](#) explores a possible Proposition 25 effect and finds little evidence of it.

Evidence of Reform Effects

I begin by looking at Shor/McCarty scores because they offer the broadest and most comparable notion of ideology. Shor/McCarty scores assign legislators ideological values that collectively predict all roll-call votes as accurately as possible. Legislators who frequently vote the same way receive similar scores. The average score for a legislative caucus ranges from roughly -1.5 to 1.5. The ranking is all that matters: individual values on this scale mean nothing by themselves, but higher values are always more conservative than lower (or negative) ones. Moreover, the scores are comparable across all state legislatures and from one year to the next in the time period studied here. Thus, comparisons are both possible and useful.

Figure 1 compares California’s Shor/McCarty ideology scores from 2004 to 2014 to those in other states. The comparison suggests two conclusions. First, California’s legislative parties are ideologically farther apart than the parties in virtually any other state. California’s Democratic caucus is among the most liberal in the country, while the state’s Republican caucus is among the most conservative. Second, and more important for this report, the caucuses were about as liberal or conservative after the reforms as they had been before them. To the extent they changed, each caucus appeared to move in the expected direction: Republicans became slightly more liberal just after the reform, and Democrats became somewhat more conservative. In other words, moderation increased in both parties.

FIGURE 1
California’s legislative caucuses are more moderate after reforms



SOURCE: Shor/McCarty [Measuring American Legislatures](#) ideal point data.

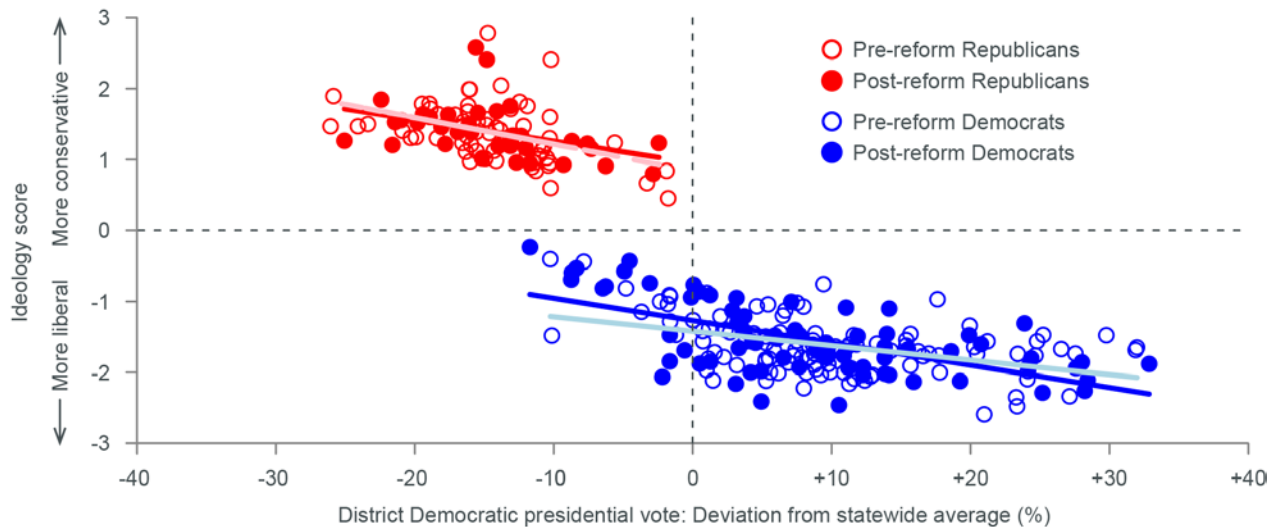
NOTES: Dark lines represent average ideology for Democrats and Republicans in the California legislature, while light lines represent the same for other states. “Ideology Scores” come from Shor/McCarty ideal points, derived from roll-call votes projected into a common ideological space created by the surveys from [Project Vote Smart](#).

Figure 2 shows how the change in ideology in each legislative caucus compares with the partisan composition of the districts each caucus represents, as measured by each district’s presidential vote. The circles designate legislators elected for the first time before the reforms, and the solid dots represent legislators elected after the reforms were implemented in 2012. Vertical distances represent differences in ideology. The straight lines indicate average trends, with lighter lines showing trends before reform.

The results shown in Figure 2 confirm that party matters. Republican and Democratic legislators are ideologically distant from each other: the cloud of points for Republicans is always much higher than the cloud for Democrats. Even in districts in the middle of the horizontal axis that have been represented by both parties, Republican legislators are always more conservative than Democratic legislators.

FIGURE 2

The partisan composition of districts correlates with the ideological composition of the legislature before and after reform



SOURCE: Shor/McCarty *Measuring American Legislatures* ideal point data (ideology scores); Chris Tausanovitch and Chris Warshaw (district presidential vote 2008); *Daily Kos* (district presidential vote 2012).

NOTE: Data cover legislators elected from 2004 through 2014.

Figure 2 also confirms that legislators of both parties who are elected from more Democratic districts tend to be more liberal, as indicated by the upward and leftward tilt of the trend lines. The relationship is similar in both parties and relatively modest, but still visible enough that it could be a factor if more competitive districts were drawn.

The most important comparison in Figure 2 is between the circles (pre-reform) and the solid dots (post-reform). The patterns before and after reform are very similar. These overlapping clouds of points and similar trend lines might suggest that almost nothing had changed. But both caucuses do now have more members in the competitive range near the middle of the graph. This would be consistent with a role for the redistricting reform. On the Democratic side, there are possibly a few more post-reform legislators at higher (more conservative) values of ideology even in uncompetitive districts. That would be consistent with either a term limits or primary reform effect.

Table 1 further explores the change in these ideology scores. The top half shows the simple difference between the average scores, before and after, for each party. This comparison suggests only a small movement in a conservative direction for Democrats, and even less movement for Republicans in the wrong direction: Republicans are slightly *more* conservative than they were before the reforms. The final column provides the average difference between similarly partisan districts—the effect once the impact of redistricting reform has been accounted for. The results suggest a smaller effect for both parties but a much larger drop for Democrats than for Republicans.

The lower half of Table 1 presents similar information for a related measure of ideology, Chamber of Commerce scores. The Chamber of Commerce promotes a low-tax, business-friendly regulatory environment, and it tracks how often members support its agenda on bills that come up for a vote in the legislature. As mentioned above,

Chamber scores—unlike Shor/McCarty scores—are based on a particular set of issues and can change over time. I have adjusted the scores so that they are comparable over time (Groseclose et al. 1999; see [Technical Appendix A](#) for details).

TABLE 1
Democratic state legislators have moderated more than Republicans

	Pre-reform average	Post-reform average	Difference (post – pre)	Difference with redistricting effects removed
Shor/McCarty ideology scores				
Democrats	-1.62	-1.53	0.09	0.03
Republicans	1.38	1.40	0.02	-0.01
Chamber of Commerce scores				
Democrats	23.1	28.6	5.5*	4.0*
Republicans	91.1	92.9	1.8*	0.7

SOURCES: Shor/McCarty [Measuring American Legislatures](#) ideal point data (ideology scores); [California Chamber of Commerce](#) (Chamber of Commerce scores); Chris Tausanovitch and Chris Warshaw (district presidential vote 2008); [Daily Kos](#) (district presidential vote 2012).

NOTES: Ideology scores come from Shor/McCarty ideal points, derived from roll-call votes projected into a common ideological space created by the surveys from [Project Vote Smart](#). Chamber of Commerce scores are adjusted to account for changes in the mean and variance of scores over time, following the methodology of Groseclose et al. (1999). "Difference with redistricting effects removed" represents the difference after matching pre-reform to post-reform on district presidential vote.

* Statistically significant at 95% confidence level

Like the Shor/McCarty scores, the Chamber of Commerce scores indicate that both Democrats and Republicans have been somewhat more conservative since the reforms, and with a greater statistical confidence than the Shor/McCarty results. Accounting for redistricting reform removes most of the effect for the Republicans and lessens the impact on Democrats compared to the Shor/McCarty scores. Independent of redistricting reform, there is a discernable increase in support for the Chamber of Commerce agenda among Democrats.

To separate the effects of the top two and term limits reforms, Table 2 separates Chamber of Commerce scores for legislators who are continuing from those who are newly elected. Before the reforms, there was no real difference between continuing and newly elected legislators of either party. After the reforms, newly elected Democratic legislators have been significantly more supportive of the Chamber’s agenda. However, continuing Democrats have also become more supportive of the Chamber, though to a lesser extent.

Neither change can be explained by the changing composition of the districts: district partisanship accounts for only 2 percentage points of the 9.3 percent increase for newly elected Democrats and 0.7 points of the 3.6 percent increase for continuing Democrats. The remaining 2.9 percent increase in support for the Chamber among continuing Democrats cannot be the product of either the new term limits or redistricting reform. Through a process of elimination, the top two becomes a more likely cause.

Note that we cannot follow the same logic to pin down the effect of term limits reform. Support for the Chamber among newly elected legislators increased by 4.4 points more than among continuing legislators, but this might in part reflect greater resistance to the influence of the top two by more experienced politicians who know how to manage the new pressures without giving much ground. While this evidence supports the idea that term limits reform played some role, it is not clear exactly how large that role was.

TABLE 2

On Chamber of Commerce issues, newly-elected Democratic legislators have moderated more than continuing legislators

	Pre-reform average	Post-reform average	Difference (post –pre)	Difference with redistricting effects removed
Democrats				
Continuing	22.8	26.4	3.6*	2.9*
Newly elected	24.0	33.3	9.3*	7.3*
Republicans				
Continuing	90.7	93.1	2.4*	1.1
Newly elected	92.4	92.6	0.2	1.3

SOURCES: [California Chamber of Commerce](#) (Chamber of Commerce scores); Chris Tausanovitch and Chris Warshaw (district presidential vote 2008); [Daily Kos](#) (district presidential vote 2012).

NOTES: The Chamber of Commerce scores shown in the table are adjusted as described in Groseclose et al. (1999). "Difference with redistricting effects removed" represents the difference after matching pre-reform to post-reform on district presidential vote.

* Statistically significant at 95% confidence level

It is also important to note the absence of any moderation for Republicans. The initial results suggest, if anything, that both continuing and newly elected Republicans are now more *conservative*, and this difference is far larger for continuing than for newly elected legislators. After accounting for district partisanship, any distinction between continuing and newly elected Republicans disappears, leaving both groups modestly more conservative than before. Unlike Democrats, Republican legislators have become less moderate, and term limits appear to have played no role in the change.

One way to better understand the role of term limits is to examine similar data for the California congressional delegation. Because the change in term limits did not apply to California’s US representatives, and because the DW-Nominate ideology scores for Congress can be tracked over time (Poole and Rosenthal 1997), we can look at the entire congressional delegation rather than just the representatives who were newly elected after 2012. The results, shown in Table 3, show no change for Republicans and only a modest shift for Democrats. In contrast to the state legislature, the congressional caucuses do not seem to have been ideologically affected by redistricting reform. This is consistent with a top-two effect for Democrats in both the state legislature and the House. The differing degree of moderation in the House and state legislature indicates that term limits might be having a moderating effect on Democratic state legislators.

TABLE 3

California’s US House delegation has not shifted much ideologically

	Pre-reform average	Post-reform average	Difference (post–pre)	Difference with redistricting effects removed
Democrats	-0.44	-0.41	0.03	0.03
Republicans	0.49	0.49	0.00	0.00

SOURCES: [Voteview](#) (DW-Nominate ideology scores); Chris Tausanovitch and Chris Warshaw (district presidential vote 2008); [Daily Kos](#) (district presidential vote 2012).

NOTES: DW-Nominate scores shown in the table are derived from congressional roll-call votes. "Difference with redistricting effects removed" represents the difference after matching pre-reform to post-reform on district presidential vote.

* Statistically significant at 95% confidence level

We can further refine our understanding of the impact of reforms on California’s state legislators by placing it in a national context. Both the Shor/McCarty and the DW-Nominate scores can be compared across states. In Table 4, the differences from Tables 1 and 3 are shown in the context of changes in all other states. The increase in moderation for Democratic state legislators is now much larger, and the change for Republicans is small but more sensibly suggests that reform made Republicans more liberal. The same is true for the congressional delegation, though the differences for both parties are generally quite small. As before, accounting for redistricting reform eliminates much of the change (8 points out of 22) for legislative Democrats. However, it also cuts the difference for congressional Democrats in half, and the Republican congressional difference by a third.

These contextual results reflect the fact that both Democrats and Republicans in other states have been polarizing over the time period considered here. The fact that California’s representatives have not moved closer to the poles or have moved slightly in a more moderate direction stands out in this broader context. The leftward movement of state legislative Democrats in other states has been greater than the movement of any other group, recasting the modest rightward movement of California’s legislative Democrats as a significant shift.

The estimates in Table 4 assume that, absent the reforms, California’s Democrats and Republicans would have moved leftward and rightward by about the same amount as partisans elsewhere. But Figure 1 makes clear that prior to the reforms California’s Democrats were among the most liberal—and its Republicans among the most conservative—of any legislative caucuses in the nation. It is possible that the legislature had reached maximum polarization and was not likely to become significantly more divided. If so, the estimates in Table 4 likely overstate the role of the reforms, though it is difficult to say by how much.

TABLE 4
California’s moderation stands out in the context of other states

	Difference compared to other states	Relative difference with redistricting effects removed
State legislature		
Democrats	0.22*	0.14*
Republicans	-0.03	-0.05
Congress		
Democrats	0.04*	0.02
Republicans	-0.03	-0.02

SOURCES: Shor/McCarty [Measuring American Legislatures](#) ideal point data (ideology scores for state legislatures); [Voteview](#) (DW-Nominate ideology scores for Congress); Chris Tausanovitch and Chris Warshaw (district presidential vote 2008); [Daily Kos](#) (district presidential vote 2012).

NOTES: The table shows difference-in-difference estimates from a regression with fixed effects for states and years. State legislature results use Shor/McCarty scores and Congress results use DW-Nominate scores. “Difference with redistricting effects removed” represents the difference after matching pre-reform to post-reform on district presidential vote separately for each state, calculating the difference, and then subtracting the average difference for all states besides California from the difference for California. Standard errors were calculated by simulating 1,000 random draws from the mean and standard errors of each state’s matched difference.

* Statistically significant at 95% confidence level

These results suggest that Democrats in the legislature have moderated the most after the reforms. Change among legislative Republicans or among either party in the congressional delegation has been minimal or even in the wrong direction. Moreover, results of a recent companion analysis showed that the only other state to have recently adopted the top two, Washington, saw no moderation in legislators of either party (McGhee and Shor 2017).

Have Campaign Donations Had a Moderating Effect?

Why did California’s Democratic state legislators moderate more than other groups covered by the top-two reform? This is a difficult question to answer, but one possible moderating influence seems worth exploring: a shift in campaign donations.

Although California’s legislature has long been under Democratic control, until recently it was possible for Republicans to influence state policy because a two-thirds majority was required to increase taxes or pass the budget. In 2010, Proposition 25 lowered the budget threshold to a simple majority, and in recent years Democrats have achieved the two-thirds majority necessary to control taxes.

For interest groups and other donors promoting a right-of-center agenda, this shift in political dynamics has arguably made Republican candidates less attractive. If Democrats are likely to remain in control of the legislative agenda, it may make more sense for right-of-center donors to try to influence the kind of Democrats who are elected rather than trying to replace Democrats with Republicans. At the same time, donors with a left-of-center agenda have no reason to be as active on the Republican side. Their agenda would be much better served by electing more Democrats than by electing even moderate Republicans. Moreover, this rationale would not apply to the congressional delegation, since control of Congress is what matters, or to a state such as Washington, where party control of the legislature is realistically in doubt.

This donating strategy makes sense with or without the electoral reforms discussed here. Indeed, it is hard to see how it could be motivated by the new redistricting process and relaxed term-limits, since these reforms simply increase the number of close races and make it possible for winning candidates to hold seats for longer periods. However, the donating strategy does make *more* sense in the context of a top-two system. As discussed, the top two makes it easier for a more moderate candidate to build a cross-party coalition in the primary. A conservative donor could help moderate Democrats build that coalition by financing their campaigns. Strong evidence that conservative donors have been switching sides under the top two might help explain the greater Democratic moderation.

To confirm this idea, we need to see a larger share of Democratic money coming from traditionally Republican sources since the top two was implemented. It is the amount of money that matters, not the number of donors; moreover, the Republican donations must be a larger share of total receipts, because simply receiving more money from Republican donors should not matter if these Democratic candidates also receive more money from traditionally Democratic sources.

In this analysis, the larger the share of money a donor gave to Republicans in the previous election cycle, the more “Republican” the donor is considered to be in the current cycle.⁴ I average the measure for each candidate’s donors, weighted by the amount of money each donor gave.⁵ The resulting number indicates how Republican a candidate’s donor base was, with a low of 0 and high of 100.

Figure 3 shows the distribution of these numbers for Democratic legislators in primary elections before and after reform. There is virtually no change: the average is 15.7 percent before reform and 16.4 percent after; the median

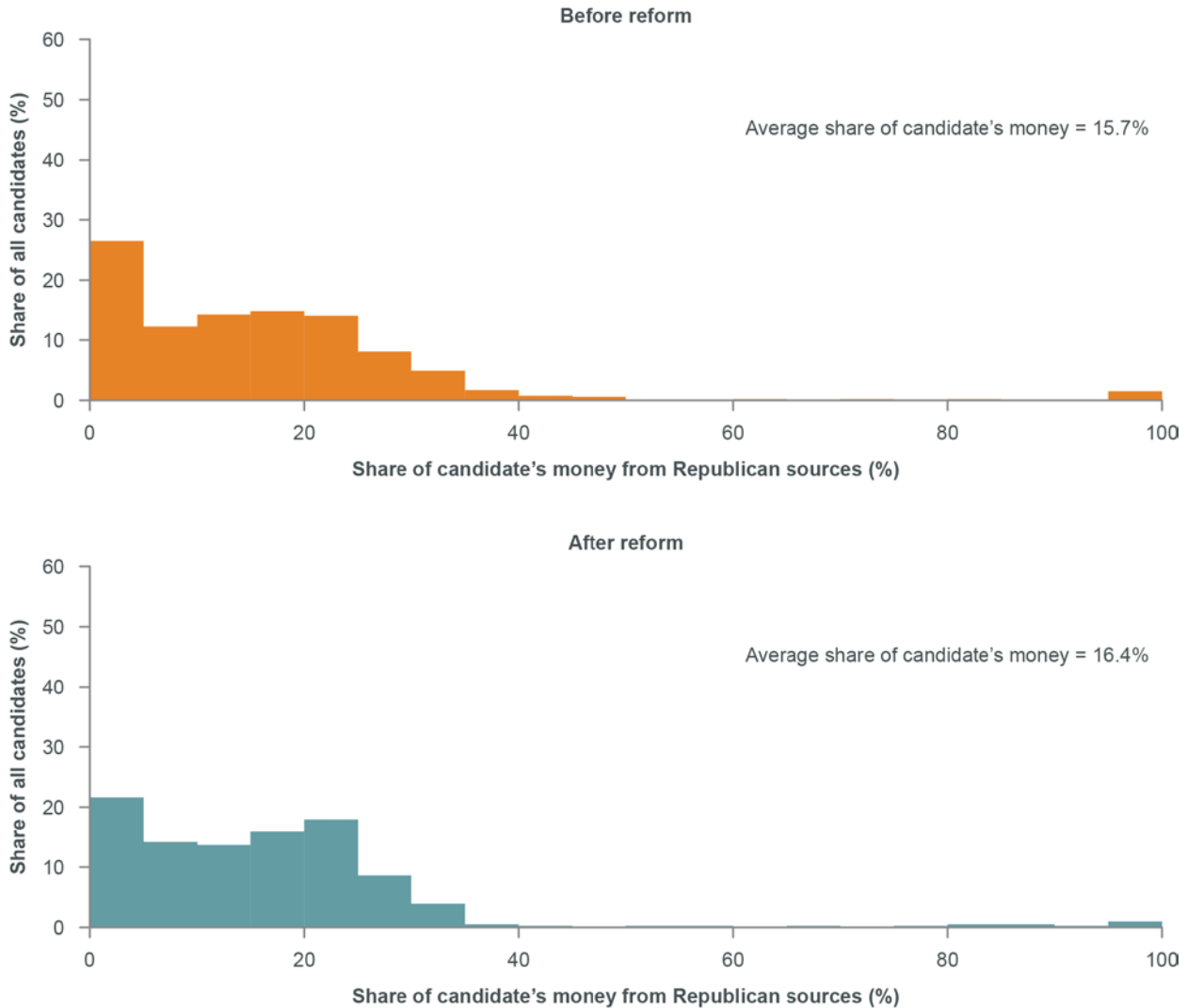
⁴ The most serious limitation of this measure is that can only be calculated for donors who can be identified as having been active in both election cycles. To address this problem, I also conducted a “within-year” version of the measure that uses the share of donations to Republicans from the same election cycle to define partisanship. The results for this measure are substantively identical; they are presented in [Technical Appendix B](#) for all sub-groups. Finally, I conducted a similar analysis using the DIME (Database on Ideology, Money in Politics, and Elections) ideal points estimated from campaign finance donations. The results are virtually identical to those of the partisanship measures.

⁵ These numbers include independent expenditures that are spent directly by the donor without coordinating with the campaign. Such expenditures have become a significant part of campaign finance in California because they can be spent in unlimited amounts.

is 13.8 percent before and 15.1 percent after. In [Technical Appendix B](#), I present the same numbers for open seats and for independent expenditures alone. The results are broadly consistent with the ones presented here.

FIGURE 3

Democratic legislators have not received more money from Republican donors since reform



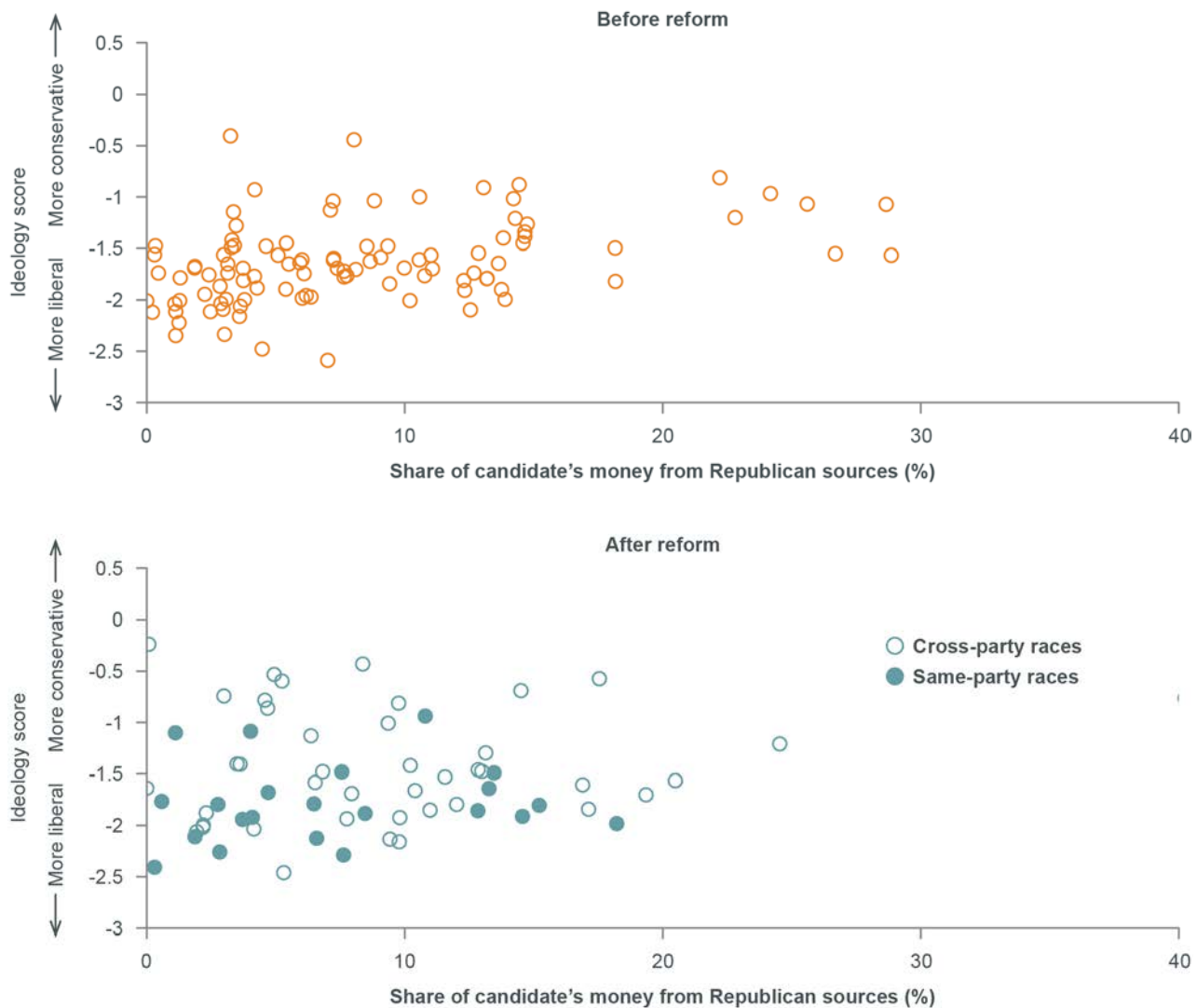
SOURCES: National Institute on Money in State Politics; California Secretary of State.

NOTE: Data cover legislators elected from 2004 through 2014.

The numbers shown in Figure 3 are calculated for all primary candidates based on money received in the primary. Figure 4 shows the relationship between these measures of campaign donations and voting behavior in the legislature (as measured with the Shor/McCarty scores) for Democrats who were ultimately elected. In the post-reform period, the solid dots indicate same-party races.

FIGURE 4

The correlation between donations and voting patterns for Democratic legislators is about the same after reform



SOURCES: Shor/McCarty [Measuring American Legislatures](#) ideal point data (ideology scores for state legislatures); National Institute on Money in State Politics (campaign finance data); California Secretary of State (campaign finance data and same-party races).

NOTE: Data cover legislators elected from 2004 through 2014, and include only newly-elected legislators in each time period.

The results suggest that the relationship between these two measures is imperfect at best. Democrats who receive a lot of Republican money are about as conservative in their roll-call voting as those who receive very little, and there are many Democratic legislators with conservative records who have received mostly Democratic money. The results also suggest minimal change after the reforms, even among those who were elected in same-party contests. This indicates that if the top two has contributed to higher levels of conservatism in the Democratic caucus, the change was largely unrelated to the amount of Republican money candidates have received since the reform was implemented.

Conclusion

California has engaged in a flurry of political reform over the past ten years. Three of the reforms—an independent redistricting commission, relaxed term limits, and an open primary system—were promoted at least in part for their potential to encourage moderation and deal-making in the California legislature.

This report suggests that there has been some increase in moderation among the Democratic legislative caucus but very little change in the Democratic congressional delegation or among any Republican representatives. These findings confirm some earlier analysis of the reforms (Grose 2014). The evidence suggests that all three reforms have played a role, though it does not allow us to determine precisely how much each reform has contributed. Moreover, while I have made every effort to account for other potential causes, the best we can say is that the available evidence supports the idea of some effect from each reform. After only three elections under the reforms, we cannot dismiss the possibility that the changes emerged through chance alone.

The inconsistent evidence of a moderating effect remains a puzzle. Why did only the Democratic state legislators become more moderate? One possible explanation—increased campaign support from traditionally Republican sources—seems unlikely based on the evidence. The absence of a clear answer to this question should make us even more cautious about extrapolating too much from California’s experience thus far. What appears to be an effect of the reforms might instead be a random change with no long-term consequences. The state’s Democratic caucus was among the most liberal in the country, so the odds of a shift in a more moderate direction were probably good even without reform.

Supporters of these reforms made other arguments about their potential impact, and this report does not examine any of those claims. But the evidence presented here suggests that, to the extent that their goal was to increase moderation—and specifically to encourage diverse coalitions in legislative roll-call votes—the reforms have produced some of the desired result.

REFERENCES

- Clinton, Joshua, Simon Jackman, and Douglas Rivers. 2004. "The Statistical Analysis of Roll Call Data." *The American Political Science Review* 98 (2): 355–70.
- Gelman, Andrew, and Jennifer Hill. 2014. *Data Analysis Using Regression and Multilevel/Hierarchical Models*. New York: Cambridge University Press.
- Grose, Christian R. 2014. *The Adoption of Electoral Reforms and Ideological Change in the California State Legislature*. Los Angeles: University of Southern California, Schwarzenegger Institute.
- Groseclose, Tim, Steven D. Levitt, and James M. Snyder Jr. 1999. "Comparing Interest Group Scores across Time and Chambers: Adjusted ADA Scores for the U.S. Congress." *American Political Science Review* 93 (1): 33–50.
- Hart, Angela. 2017. "Republican moves to eliminate California's top-two election system." *Sacramento Bee*, August 22, 2017.
- McGhee, Eric. 2015. *California's Political Reforms: A Brief History*. Public Policy Institute of California.
- McGhee, Eric, and Boris Shor. 2017. "Has the Top Two Primary Elected More Moderates?" *Perspectives on Politics*, forthcoming.
- "Official Voter Information Guide, June 5, 2012 Presidential Primary Election." 2012. California Secretary of State.
- "Official Voter Information Guide, June 8, 2010 Statewide Direct Primary Election." 2010. California Secretary of State.
- "Official Voter Information Guide, November 4, 2008 Statewide General Election." 2008. California Secretary of State.
- Poole, Keith T. 2005. *Spatial Models of Parliamentary Voting*. New York: Cambridge University Press.
- Poole, Keith T., and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll-Call Voting*. New York: Oxford University Press.
- Shor, Boris, and Nolan M. McCarty. 2011. "The Ideological Mapping of American Legislatures." *American Political Science Review* 105 (3): 530–51.

ABOUT THE AUTHOR

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 the creator of the “efficiency gap”—a widely-used measure of gerrymandering—and coauthor of a legal test based on the measure that has been presented before the US Supreme Court in recent high-profile litigation. 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.

ACKNOWLEDGMENTS

The author would like to thank Dean Bonner, Kathay Feng, Christian Grose, Magnus Lofstrom, and Mary Severance for helpful comments. Boris Shor generously provided his ideal point data; the findings here would be impossible without those data and his thoughts and insight from an earlier shared research project. A special thanks to Mark Baldassare for continuing to support a robust research agenda on political and electoral reform.

Board of Directors

Mas Masumoto, Chair

Author and Farmer

Mark Baldassare

President and CEO
Public Policy Institute of California

Ruben Barrales

President and CEO
GROW Elect

María Blanco

Executive Director
University of California Immigrant
Legal Services Center

Louise Henry Bryson

Chair Emerita, Board of Trustees
J. Paul Getty Trust

A. Marisa Chun

Partner
McDermott Will & Emery LLP

Chet Hewitt

President and CEO
Sierra Health Foundation

Phil Isenberg

Former Chair
Delta Stewardship Council

Donna Lucas

Chief Executive Officer
Lucas Public Affairs

Steven A. Merksamer

Senior Partner
Nielsen, Merksamer, Parrinello,
Gross & Leoni, LLP

Leon E. Panetta

Chairman
The Panetta Institute for Public Policy

Gerald L. Parsky

Chairman
Aurora Capital Group

Kim Polese

Chairman
ClearStreet, Inc.

Gaddi H. Vasquez

Senior Vice President, Government Affairs
Edison International
Southern California Edison



PPIC

PUBLIC POLICY
INSTITUTE OF CALIFORNIA

The Public Policy Institute of California is dedicated to informing and improving public policy in California through independent, objective, nonpartisan research.

Public Policy Institute of California
500 Washington Street, Suite 600
San Francisco, CA 94111
T: 415.291.4400
F: 415.291.4401
PPIC.ORG

PPIC Sacramento Center
Senator Office Building
1121 L Street, Suite 801
Sacramento, CA 95814
T: 916.440.1120
F: 916.440.1121