



Reflections on the Impact of a Decade of Political Reforms in California

FINAL FINDINGS REPORT

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Over the past decade, California voters have enacted a number of important political reforms including the citizens redistricting commission through Proposition 11 (2008), the top-two primary through Propositions 14 (2010) and 20 (2012), and legislative term limits reform through Proposition 28 (2012). Now that these reforms have been in place for a number of years, California Forward and other political reformers sought to hear the perspective of some of the legislators and others who have been working in this new political environment regarding the impact these reforms have had and any changes that might be worth considering at this juncture.

This memo summarizes what we heard through a series of interviews with selected legislators, association leaders, and political consultants. The purpose of this research was to develop a reference base for understanding and communicating the positive impact of these reforms. The project was not intended as an independent study documenting the full range of positive and negative impacts of the policy changes. Rather, we sought to speak with lawmakers and others who we expected would be friendly to these reforms and have positive perspectives and experiences to share. We ultimately spoke with eight Democratic legislators, two leaders of major California associations, and one political consultant. Although we sought to include perspectives from both Democratic and Republican lawmakers, none of the six Republican legislators invited to participate were available or interested in participating.

Through these interviews, we explored how the reforms have affected:

- 1) the experience of candidates running for office;
- 2) the culture of the capital and the process of lawmaking;
- 3) the quality of public policies;
- 4) voters and their confidence in the political process and system of governing; and
- 5) minority representation in California.

Because the primary purpose for these interviews was to collect anecdotes and quotes about the positive effects of the reforms, an aggregate analysis of the data would not be particularly meaningful. Our aim with this memo, therefore, is to briefly summarize the main themes from the data and then provide interview summaries with quotes as a resource for constructing commentaries, briefings, blog posts, or other communications pieces using interviewee insights.

Interviewees agreed to the following **confidentiality agreement**:

"In my report to California Forward, with your permission, I'd like to be able to attribute to you the perspectives that you share with me today. However, California Forward will not use your name or quote you specifically in anything that is published without explicitly getting your approval in advance."

SUPPORT FOR THE PACKAGE OF REFORMS

Unsurprisingly, given how they were selected, almost all the interviewees were strongly supportive of the reforms. In aggregate across all three reforms, respondents shared the perception that the reforms had reduced the power and influence of special interests from both ends of the political spectrum. While there was strong support for the reforms, respondents were split between those who credited the reforms with advancing significant bipartisan legislation and the significant minority who indicated they were in “wait and see” mode about the extent to which the reforms would ultimately have a positive impact on public policy in the state.

“Taken in totality, [California’s political reforms] have created a political climate of cooperation and bipartisanship. These three reforms, along with the majority-vote budget (Proposition 25), have California working and doing lots of policy work that can be a model for the rest of the country.”

None of the interviewees felt that the reforms had had a significant effect—positive or negative—on minority representation in the state. A few suggested that the reforms create opportunities for newcomers, which may benefit some minority candidates. However, several of the interviewees commented that there seem to be notably fewer women in the legislature, although none suggested that the reforms were a significant influence on that.

TOP-TWO PRIMARY

Most of the legislators interviewed were strongly positive about the top-two primary. The association heads were more skeptical, citing the unencumbered influence of money and independent expenditures on elections and holding a wait-and-see on whether top-two would actually yield higher numbers of moderate legislators than were already serving before this reform was enacted. Unprompted, respondents were more prolific in their commentary on this reform in comparison with the other two, citing benefits related to campaigns and elections, the process of legislating, and the impact on voter confidence.

With respect to campaigns and elections, the majority of respondents felt that the top-two primary has empowered more independent-minded, moderate, mainstream, and centrist candidates. Similarly, a majority felt that the top-two primary shifts power away from the extremes—both special interests and party leadership. Several respondents highlighted as benefits increased competition and representation of a broader range of views in campaigns. Three of the lawmakers expressed how the top-two primary, in allowing candidates to be more moderate or mainstream on the issues, allowed them to “be themselves” while campaigning and less fearful of angering the base. One interviewee highlighted how the top-two primary is empowering communities to choose their leaders—as opposed to having those leaders effectively chosen for them by party leadership or special interests.

“Top-two creates a system where candidates don’t have to run to the extremes just to make it out of the primary.”

Most of the respondents had something positive to say about the impact of top-two on the culture of the capital and process of legislating. Two respondents felt that top-two has enabled a broader range of views within the party to be represented in the lawmaking process, and this has allowed the more mainstream legislators to be themselves while keeping their party identity. Three of the interviewees commented that

the top-two primary requires legislators to be more responsive to their constituents, which in some cases translates into more moderation or bipartisanship in legislating rather than clinging to party purity. As one respondent framed it, in the eyes of Californians this equates to “getting the job done”. Similarly, two interviewees felt that the top-two primary provides support for more risk-taking, as legislators feel empowered to take policy positions that may not be completely aligned with party leadership or the base. Four respondents cited as key benefits from top-two the growing number of moderate lawmakers and empowerment of moderate coalitions, which in turn are contributing to a more bipartisan working environment in the capitol. One respondent noted that the moderating influence provided by the top-two primary creates openings as well for the minority party to work in a bipartisan fashion to negotiate into legislation some things that they favor.

“We’re starting to see the fruits of this top-two system at work. That means the Democrats don’t get to decide every single detail. The Republicans have been able to get some serious things for coming over and working in a bipartisan manner.”

Four of the legislators felt that the positive effects of top-two on the process of legislating is translating into better public policy—legislation that is based on compromise and is less ideologically based. Among the legislative achievements cited by these interviewees were cap-and-trade legislation and transportation, water, parks, and housing bonds. Two other legislators expressed hopefulness that top-two would result in more bipartisan legislation but did not feel that enough time had yet passed to see this play out.

Respondents cited a number of benefits the top-two primary is providing for voters. Several highlighted the benefit of increased choice for voters, with a broader range of views represented in elections even under the same party umbrella. This dynamic, it was suggested, allows voters to retain their party identity while voting closer to their policy preferences. Other benefits for voters cited by interviewees included:

- Candidates work to appeal to a broader set of voters, providing the opportunity for more voters to be represented. (Three respondents cited this benefit.)
- Minority party and decline-to-state voters are more a part of the process and more invested in elections.
- Top-two shifts power to communities to choose their leaders based on what they care about.
- Primaries are not decided by the most extreme partisans.
- When voters cross party lines to vote for a candidate not from their own party, this leads over time to “more enlightened voter participation”.

While highlighting mostly benefits from the top-two primary reform, interviewees did raise several negative consequences, including:

- It can be more complicated and expensive to run a campaign under the top-two primary. (Three respondents raised this concern).
- The top-two primary exacerbates intra-party factions and tension, as it yields less party “purity” among legislators. (Two respondents raised this concern).
- While moderate candidates have a better chance to emerge from a top-two primary, extremes from both sides of the partisan spectrum tend to vocally oppose these candidates.
- Despite the empowering of more moderate candidates, legislators still fear the power of special interests.
- The top-two primary can be confusing for voters.

- Voters may be disinclined to participate if there is no candidate from their party on the general election ballot.
- Voters' choices are limited in cases where one of the two major parties' candidates cannibalize each other in the primary leaving two candidates from the same party on the general election ballot.
- Campaigns and elections can become more contentious within like-minded communities, where the two candidates in the general election may be very similar from a policy perspective.

"The big question with the Governor's race is what happens with the independent expenditure committees, and do they ultimately manipulate a top-two process in ways that were unexpected or antithetical to the intent of the reforms."

Only one respondent suggested a change to the top-two primary at this point in time: eliminating the opportunity for write-in candidates to appear on the general election ballot without demonstrating public support through signature-gathering or contributions. The lack of suggested improvements to the top-two system suggests that this reform needs to play out for a longer period of time before the real impact can be judged.

TERM LIMITS REFORM

Among the three reforms, the 2012 change in legislative term limits was viewed the most positively among respondents. This reform, enacted via Proposition 28 in 2012, reduced the total years legislators are allowed to serve from fourteen to twelve but allows that all twelve years may be served in the same chamber. Previously (and still applicable to legislators first elected before 2012), the imposed limit was three two-year Assembly terms and two four-year Senate terms.

Interviewees cited a healthier legislative process and better resulting public policy as key benefits from term limits reform. All but two of the interviewees highlighted the opportunity for legislators to gain more expertise within their job as a key benefit of term limits reform.

"Term limits reform has been very substantial. You see kind of the best of both worlds. You see members who can take ownership on issues and can take the time to become expert w/o fear of being term limited out and what are they going to do next. But you also don't have the situation where you have people that are there for years and years and years and are not representing the district."

A majority of respondents felt that allowing legislators to spend more time serving in one chamber was acting as a stabilizing influence on the body, reducing the "musical chairs" of members coming in and going out. They indicated that longer terms encouraged legislators to spend more of their time focused on their constituents and less on pursuing their next job.

Other themes relating to the process of legislating and culture of the capital included:

- Longer term limits lead to better oversight and care for the institution, as elected representatives are less dependent on unaccountable lobbyists and staff. (Cited by half of the respondents).
- Longer term limits provide more time to develop deeper relationships with colleagues, leading to more substantive bipartisan dialogue. (Cited by four of the respondents).
- Longer term limits encourage longer-term thinking. (Cited by two of the respondents).

- Longer term limits reduce the politicization of members' votes, in cases where terming-out Assemblymembers are positioning themselves to run against each other for a Senate seat.

Two interviewees commented that longer term limits enable legislators to feel more like they are running the state rather than their staffs are running the state. Another interviewee felt that longer terms allowed legislators to take more risk and support bipartisan positions that might not be as popular within their party.

Unsurprisingly, all but one of the lawmakers interviewed (and one of the association heads) would like to see term limits extended even further or even eliminated altogether. However, none saw this as possible politically. One legislator suggested that term limits be extended in cases where the legislator's first term was abbreviated—for example, when elected via a special election.

“Term limits and the longer tenures has had a real tonic effect on the institution and empowering the legislature. It’s shifted the balance power slightly away from lobbyists and unelected staff people and toward the elected membership of the Assembly. That’s a good thing because we are directly accountable to the voters; lobbyists and staff are not.”

CITIZENS REDISTRICTING COMMISSION

Support for the redistricting process reform was a bit more tepid, and respondents had far less to say about this reform in comparison with the other two. All but one of the respondents felt that redistricting reform was the right thing to do from a good government perspective (legislators should not draw their own districts), but none cited any specific, positive impact on the process of legislating or on public policy to date.

The benefits respondents cited from redistricting process reform were almost entirely related to campaigns and elections and not related to legislating and policy outcomes. Most often cited was the elimination of politics and conflict of interest from the process of drawing district boundaries, resulting in districts that are fairly drawn based on data and changing demographics. Two respondents noted as a benefit that the incumbent party and candidate can no longer consider a district a sure thing. As a result, voters are better able to hold their politicians accountable if they are not being well-represented.

“No longer are districts drawn just to keep incumbents in office as long as possible. They’re drawn where politics isn’t taken into account at all. And it increases the ability for districts to hold us accountable if we’re not really representing them.”

Only two of the respondents cited increased voter confidence in the process as an important outcome of redistricting reform. One of these two spoke of how the citizens redistricting commission process ended the partisan legislative conflict about line-drawing, thus having a positive impact on voter confidence in the legislature. The other respondent cited the clear and transparent criteria used to draw district lines as a contributor to increased voter trust in the process. Two respondents suggested that the elimination of political gerrymandering by placing districting into the hands of an independent citizens commission may help to diversify the elected body.

Only one of the interviewees was strongly critical of this reform. This respondent criticized the Citizens Redistricting Commission as unaccountable to voters and criticized the process as playing into an obsession with identity politics in California. Further, the respondent asserted that the process is still being influenced by lawmakers through hired consultants, however this influence is now playing out behind closed doors. This respondent, an Assemblymember, would like to see the process of redistricting

returned to the legislature, perhaps with rules established that facilitate creating more competitive districts. Otherwise, none of the respondents suggested any changes to the current process for redistricting.

OTHER REFORMS

Interviewees suggested a number of other political reforms they felt were worth considering. With one exception, none of these were raised by more than a single interviewee. The reform topics that were raised were:

- A retirement plan for legislators (two interviewees offered this suggestion)
- Better compensation for legislators
- Campaign finance disclosure
- Public financing of campaigns
- Limiting independent expenditures in campaigns
- Banning interest group secret questionnaires
- Automatic voter registration
- Electronic voting
- Reforming Proposition 13 (property taxes)
- Reforming Proposition 98 (K-12 funding)
- Addressing the significant percentage of the state's budget locked up in guaranteed funding