Title
Redistricting Reform Could Save California from Itself

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Abstract

As the stalemate and eventual "smoke and mirrors" 2008-2009 state budget demonstrates, the budget process in California has become largely dysfunctional. While there are a lot of causes of this dysfunction ranging from constitutional hurdles to the nature of the state's finances, partisan polarization in the legislature interacts with many of these to produce pronounced gridlock. Redistricting reform that would produce more competitive districts would ameliorate some of this polarization or possibly even provide an occasional supermajority. While districts are not necessarily the primary cause of California's budget woes, redistricting provides one of the only feasible solutions.

KEYWORDS: redistricting, California, budget, polarization

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When Arnold Schwarzenegger signed the 2008-2009 California budget on September 23, 2008, he signed the latest budget in state history. But give it a year; it might be later still in 2009. The increasing portion of California's budget that is accounted for by proposition-mandated spending, the two-thirds vote requirement to pass the state budget, the increasing partisanship in the legislature, and the very large budget deficit that California faced in 2008-2009 (and will likely face in 2009-2010) are all potential reasons why the budget process in 2008 took so long. However, the 2007-2008 budget was the third-latest when it passed, and the previous most-late budget was the 2002-2003 budget. Indeed, budgets have been getting later and later. From 1981-1990, the budget was late an average of six days. In the 1990s, this was a 23-day average. In the current decade, the average budget has been late by almost 38 days.

The budget is just the most salient example of how California's government has become increasingly dysfunctional. In truth, there are a number of reasons why this has happened. While some of the causes admit no ready solution, others are more amenable to correction. This paper focuses on one of these causes; namely, the highly partisan nature of California's legislature as a product of noncompetitive legislative districts. Noncompetitive districts are not solely or even mostly responsible for causing the mess in California's government, but creating more competitive districts would produce more moderate legislators, disturb the static party balance in Sacramento and potentially free up policy logjams.

Polarized Districts and Polarized Legislators

At first blush, the argument for more competitive districts seems intuitive. Median voter theory predicts that districts that are predominately conservative or liberal will elect a polarized legislature, as the candidates all race to the polarized medians of their districts. By this logic, the more districts with moderate medians, the more moderates should get elected. Those who dislike partisan polarization are thus expected to dislike polarized districts. Supporters of redistricting reform often accept this logic as axiomatic.[1]

However, recent scholarly work has pushed back against this argument, both in general and in California in particular. Much of the political science literature on the question of redistricting and polarization has found the link to be tenuous, (McCarty et al. 2006: 913; Abramowitz et al. 2006a, 2006b) although some scholars have found an effect (Carson et al. 2007; Theriault 2008; McDonald 2006). Brunell presents evidence that the redistricting-as-sole-cause theory is too simplistic, that party explains much more of a member of Congress's ideology than does their district's voting patterns; McGhee has similar findings for the California legislature (Brunell 2008; McGhee 2008). Brunell argues that these findings suggest that maximizing representation, by putting partisans into districts with fellow partisans, might be desirable. Instead of making more competitive districts, he argues that we need fewer of them.[2]

In light of the literature at both the national and, especially, the California, level, then, how can the argument for competitive districts be sustained? My argument harkens back to an argument that has a long pedigree in political science: the marginality hypothesis. Duncan MacRae is generally credited for one of the first statements of the marginality hypothesis: "the moderating influence is most pronounced in those constituencies where political competition prevails"(MacRae 1952: 1055). As Griffin (2006) ably summarizes the findings on the marginality hypothesis since MacRae, "the evidence . . . is decidedly mixed"(Griffin 2006: 913). Griffin's research, using pooled districts, districts over time, and year-by-year estimations, demonstrates a clear connection between competition and greater responsiveness.

Thus, two strands of research on closely related phenomena have come to seemingly contrary conclusions. I argue that both theories can be right. Polarized districts could—and likely would—lead to polarized legislators; this instinct is confirmed formally by the models of Wittman and Buchler (Buchler 2005; Wittman 1983). However, by and large, efficient partisan gerrymanders, particularly in the largely moderate United States, (Fiorina et al. 2006) wouldn't yield fully polarized legislators. It's not possible to create a purely conservative or purely liberal district in the United States; in the 2004 National Election Study, only five percent of the population identified themselves as extremely liberal or conservative. Moreover, residential self-segregation is not at the point where all those who live in a district, city, or even city block can be said to agree on all the issues; once we get to the level of a district's population, such unanimity is impossible. However, the districts we can (and often do) create are *electorally safe* for one party or the other.

However, what if the district compositions are polarized, but redistricting is not the culprit? What if a kind of "Tiebout sorting" is occurring, whereby partisans increasingly live amongst like-minded partisans (Oppenheimer 2005)? While this is a very real possibility, it is important for us to distinguish *causes* of the current

situation from *solutions* to it. The residential sorting argument could be fatal, if residential sorting were to rise to a level where no competitive districts could be drawn. Much of the Bay Area (particularly San Francisco, Berkeley, and Marin) is simply immune to line-drawing effects—liberal Democrats are going to win regardless of how one draws the lines. But this is not the case for the state as a whole. In California, another 10 competitive Assembly districts could be drawn, while still holding to (partially by holding more strictly to) existing principles of "good" redistricting like compactness, contiguity, honoring existing political boundaries, and creating majority-minority districts (Cain et al. 2006). While voters are increasingly well sorted into parties ideologically and geographically, it is a difference of degree, not kind.

Other Causes of Partisan Polarization

Partisan polarization in the California legislature is not uniquely (nor even mostly) due to our districts. There are a lot of straws breaking this camel's back. Other factors make California a natural hotbed of partisanship. First, California's great size and large urban centers lead to a number of electoral pressures that differ from other states' legislators. A California state senator represents more people than a representative in the House; Assemblypersons represent two-thirds as many as that House member. This has a few implications, including the types of campaigns that must be run, voter heuristics, and campaign costs.

Elections are fantastically expensive in California. Even incumbents facing token challengers spend a good deal of money. Take two adjacent Assembly districts in 2008: the 79th and the 80th. In the 79th district, the incumbent spent over $200,000 to defeat a challenger who spent less than $5,000. In the 80th district, an open seat election, over $4 million was spent, on par with many competitive House districts. Moderate candidates are generally not going go be successful raising as much money as those towards the poles, for the simple reason that fewer people are passionate about moderates than they are about partisans. Moreover, party leaders in Sacramento have a great deal of leverage over campaign funds (though few have the power former Speaker Willie Brown held). While political science research has been relatively sanguine about the effects of contributions on member behavior, campaign money does affect who wins elections, particularly in the low-information environment of state legislative campaigns (Gierzynski and Breaux 1991; Caldeira and Patterson 1982).

It is possible that the underlying causal mechanism for polarization is the composition of the districts, but that redistricting is not the only reason why districts have such compositions. Oppenheimer argues that a type of "Tiebout sorting" may

be taking place as Democrats, for reasons likely outside of their politics, increasingly live amongst Democrats and Republicans amongst Republicans.

Consequences of Partisan Polarization

As noted in the introduction, California's budgets have gotten progressively later (and unbalanced) for a number of reasons. The fundamental cause of a late budget is legislators (and possibly the governor) being unable to agree on one. While the proposition-mandated spending (and caps on taxation) argument is compelling, it is not one that has withstood academic scrutiny. As Matsusaka argues, "initiatives have removed some of the legislature's discretion, but as a whole they do not stand in the way of balancing a budget"(Matsusaka 2005). That said, proposition-mandated portions of the budget made up 32 percent of the budget in recent years, so they could be said to be a straw on the camel's back, as negotiations are tougher when there is less room to maneuver.

Another of these straws is a projected budget deficit. Generally speaking, legislative logrolls are easier when benefits can be narrowly provided (everyone gets what they want) and costs are relatively diffuse (everyone pays). Budget deficits are more likely under bicameral systems because it is easier to roll that log in the spending than the taxation/cutting direction (Heller 1997). However, the evidence is not fully in on whether a *bad* budget situation means that an impasse is more likely. At the federal level, the health of the budgetary picture has no impact on gridlock, rather, gridlock is driven primarily by partisan and ideological differences in government (both within Congress and between the branches). But, the lateness of the (nonbinding, but important) budget resolutions is affected by both the level of partisan conflict and size of the budget deficit/surplus (Binder 2003). Thus, while it seems reasonable to conclude that the budgetary situation in California is a contributing factor, it is far from the most significant factor.

Three of the other factors leading to California's budget dysfunction are related. The two-thirds requirement to pass the budget empowers the minority party, particularly when trying to raise taxes or, more generally, change the status quo (Knight 2000; but see Bradbury and Johnson 2006; McGann 2004). This can only truly matter if the minority party is sufficiently large and cohesive enough on budget matters.[3] This is where the nature of California's districts comes in.

Districts and Partisan Gridlock in California

The first fact that must be recognized about California's legislative districts is that they are districts that lack meaningful competition, *not* that they are

Figure 1. Partisanship of CA Assembly Distributions
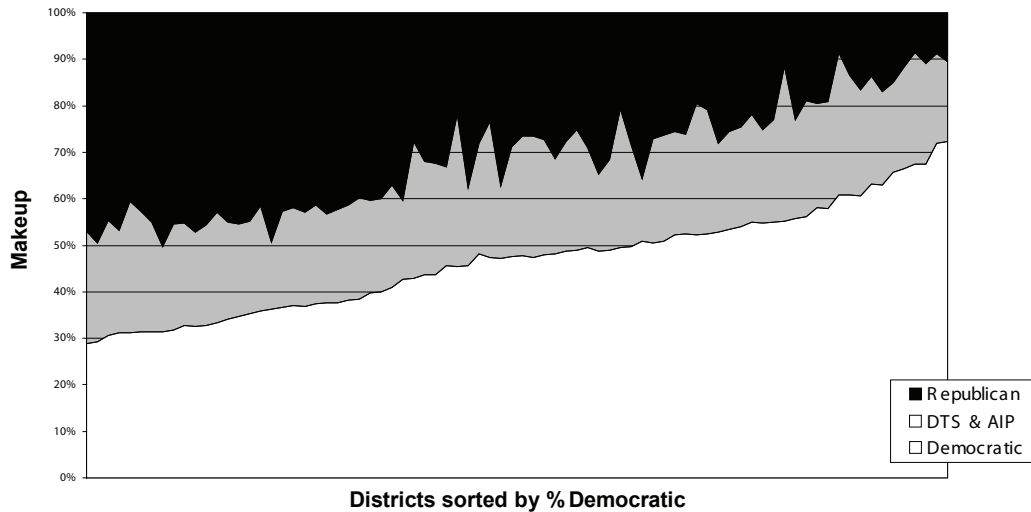
ideologically polarized districts. The distinction is meaningful. Consider Figure 1, which displays the current partisan makeup of the 80 Assembly districts in California, arranged from least to most Democratic. Twenty-five of the Assembly districts have more than 50 percent Democratic registration; a Democratic loss in any of these districts is essentially impossible. But it is a far cry to suggest that these districts are overwhelmingly liberal; 22 percent of these districts' registrants are independent.[4] The real story is on the Republican side. No "Republican" district is majority Republican! While independents turnout less often than partisans, there are only six districts with more than 45 percent GOP membership, and only 25 with more than 40 percent.[5]

In 2006, only four elections for the Assembly were within 10 percentage points. Even in the wave election of 2008, in only nine elections was the vote difference within 10 points, most of them on the Republican side, with three of the four close elections in 2006 being close again in 2008.[6] California's election system produces winners and losers with relative certainty of who those will be well before the election; in fact, before 2008, no seat in the California legislature had changed party hands since the last redistricting, and now, only 3 of 400 elections to the California legislature since 2001 have resulted in a party change.

The important connection between the districts, the election results, and the ideology of the elected legislator is *not* a direct, linear relationship. The story being told here is not that district composition leads to legislator ideology directly. The data do not support this conclusion, as McGhee (2008) notes. Rather, the argument here is that the forces that one might argue drive polarization (voter sorting/polarization, selection mechanisms, party leader or interest group pressures) operate in an

environment that, with a few notable exceptions, is nearly guaranteed to deliver Republicans and Democrats from their given districts. Once delivered, they behave as partisans for the simple reason that a 12-point margin is just as safe for them as a 25-point margin. Indeed, California legislators behave as they do because they are *safe* at any margin (at least, in the general election).

Is this a failure of the median voter theory? In a word: yes. Classic median voter theory assumes that voters vote for the candidate closest to their ideal point (Downs 1957; Wittman 1983). There are two problems with this theory for legislative elections in California. First, voters don't have ideological ideal points, at least ones that they are aware of (Campbell et al. 1960; Converse 1964). The second and even more important problem is that voters certainly don't know the ideologies of their state legislators. As some scholars have noted: "state legislative elections are largely partisan affairs" (Caldeira and Patterson 1982: 33). For most state legislators in California, the "median voter" is a member of their own party.

This raises an interesting quandary. If elections are partisan affairs, how could elections deliver anything but partisans to the legislature? The counterargument continues that competitive elections might lead to a change in the partisans in Sacramento, but if voters and candidates weren't behaving ideologically before, why would competitive elections make them do so? The answer lies in the effects of marginality. Legislators from marginal districts are more responsive and more centrist than those from safe districts. Both points are important and deserve elucidation.

First, competition makes legislators more responsive. That is, the relationship between a district's composition and the predicted behavior of its representative is not linear, but an S-curve. The safe members are relatively free to be as partisan and extremist as they please; only those members who are truly in danger need to moderate to pick up independent votes. As Griffin notes, "district competitiveness promotes responsiveness" (Griffin 2006: 916).

Legislators who face competitive elections are more likely to be moderate than those that don't. Consider the following data from McGhee (2008); using a fairly generous definition of "moderate,"[7] only 14 percent of legislators from solid districts are moderate, compared to 28 percent of those from "mixed" districts. More provocatively, only 13 percent of those that had a safe contest in their last election were moderate, compared to 39 percent of those that that faced a competitive election. Even by this generous measure, moderates are exceedingly rare in the California legislature. But those that exist do so predominately in those districts that have competitive elections or (often and) a close balance of partisans. Some 42 percent of these moderates in California's legislature came out of 21 percent of the elections.[8]

Party Control and Individual Seats

Suppose, however, that the other forces contributing to legislative polarization are strong enough to override the electoral pressures to moderate. Competitive elections, by themselves, do not guarantee moderation; while 39 percent of close elections lead to moderates in the legislature, 61 percent do not. Competitive districts lead to *some* moderates. But, speaking realistically, would it lead to enough moderates to make the legislature less gridlocked?

In 2008, the Democrats picked up two seats in the Assembly, giving them a total of 50, four shy of a two-thirds majority necessary to pass the budget. Even assuming that another 10 competitive districts could be drawn (a good estimate, according to Cain, Hui and Mac Donald 2006),[9] this would lead to another three moderates, and gridlock would still be possible (though less likely, as only one defector from the Republicans would be necessary to pass a budget).

Once we introduce more competition, we increase the possibility of *misrepresentation*. Since drawing perfectly conservative or liberal districts is impossible (and, moreover, wouldn't capture the weak relationship most Americans have with ideology), we must admit that misrepresentation already exists in our current system, to a degree. Figure 1 demonstrates as much. Competition increases the likelihood of a district being represented by a party not truly preferred by a local plurality. Ordinarily, this would be a consequence to be avoided. In the case of modern California, I believe it is the lesser of two evils.

What are the chances of misrepresentation occurring? In 2008, only two districts (the 26th and 30th) were won by a party without the plurality in that district. In 2006, four districts elected the "wrong" assemblyperson: the 15th, 26th, 36th, and 78th. Out of 14 elections (possibly 15, depending on the year of the registration data used to classify the district), this represents "misrepresentation" occurring 40-43 percent of the time.

Let us assume, then, that a competitive district leads to misrepresentation 40 percent of the time. Let us further assume that the newly competitive districts would come equally from the "safe" ranks of both parties,[10] and that winning one seat doesn't affect the odds of winning another. On average, the partisan balance in the legislature should be the same. A full swing of these 10 districts is very unlikely, with a less than 0.2 percent chance of happening. There is a one percent chance of a four-seat swing, a four percent chance of a three-seat swing, and approximately a 12 percent chance of either side picking up two seats.

However, usually elections are not isolated events. There is sometimes a statewide tide. In contested Assembly elections in both 2006 and 2008, Democrats picked up an average of nearly four percent in their two-party vote share, with a standard deviation of 3.5 percent. Only in 10 districts did the Republicans gain

votes (all less than 3.5 percent), whereas in 29 districts, Democrats posted gains in the relatively narrow range of 1.6-4.5 percent. Competitive districts are the ones where these tides are truly felt; the four districts that returned different parties to the Assembly in 2008 were the only four that were within 10 points in 2006. Thus, the creation of more competitive districts very likely creates the possibility of changes in the partisan composition of the legislature. This has two important consequences.

First, a small swing in partisans could lead to a Democratic supermajority. They currently hold 50 seats and a gain of four seats, while unlikely in the case of independent districts, is actually fairly likely given a swing. If the Democrats were to win all the districts they have a plurality of registered voters in, and the two districts with *very* narrow Republican pluralities (the 36th and 10th districts, with pluralities of 0.05 percent and 0.43 percent, respectively), they would have a supermajority in the Assembly. Moreover, even shy a partisan supermajority, the chances of compiling a liberal-moderate supermajority would be greater, as the number of moderates and, in a swing election, Democrats, would have increased.

The second consequence is also significant. Partisan swings signal incumbents that voters desire change. Take, for example, "wave" elections in the U.S. House. Conventional wisdom holds that large waves in Congress have major ideological consequences. While this does not hold for the assumption that members of a large cohort share similar ideologies (Buchler and Jarvis 2006), the conventional wisdom is not entirely wrong. Large seat swings are taken as evidence of a public desire for change: a mandate. Political scientists have largely frowned on the idea that a mandate could possibly exist (Dahl 1990). However, that does not prevent legislators from behaving as if they believe in mandates. Indeed, anecdotal evidence (Congress passing Reagan's budget in 1981 and Bush's tax cuts in 2001) and more systematic evidence (Peterson et al. 2003) support the claim that Congress reacts to large changes.

However, the argument that misrepresentation might occur is a serious one. One could fairly charge that creating competitive districts raises the possibility of a fundamentally undemocratic outcome, where a popular minority can dictate policy to the majority. I submit that this situation exists now. The two-thirds requirement to pass a budget gives a minority (in this case, a minority of one-third) the ability to hold the majority party hostage. Moreover, the chances of the Republicans becoming a majority party through the creation of competitive districts are remote. Assuming the creation of 10 more competitive districts than there are now, Republicans would have to take all of those districts plus at least one of the solidly Democratic districts to become the majority. Put simply, Democrats have a 13-point lead in registration in California, and are only 5.6 percent shy of having an absolute majority. Simply put, the two-thirds requirement and fervently partisan legislators already give a minority

power. The budget process gives significant overrepresentation of the status quo. In 2008, only 19 percent of voters supported the Republican plan for the budget, while 32 percent supported the Democrats' plan and 31 percent supported Governor Schwarzenegger's plan (DiCamillo and Field 2008b). When an opinion minority of 19 percent is able to hold back 63 percent (as Democrats and Schwarzenegger were much closer on specific proposals than were the Republicans), that is hardly a democratic outcome.

Objections to the Argument

The argument so far will have failed to convince some readers. Their likely objections fall into two categories.[11] Some will argue that there is no problem to be fixed and others might argue that the solution doesn't address the root cause of the problem. Let me address these in turn.

California's Budget Process Works Just Fine

California's legislature faces more than one problem. Term limits have led to less-experienced legislators; this has empowered the governor, the bureaucracy, and interest groups, as they have information and expertise that the legislature lacks. The California tax base depends significantly on more variable sources of income in the sales tax and capital gains taxes, giving the state "feast or famine" budget cycles. Public desire for legislation can be met through the initiative process (or tough votes avoided in the legislature by leaving it to the voters). Finally, the legislature seems able to pass legislation (excepting the budget), and the budget does eventually pass.

While all this is true, in both the American and Californian governments, the budget has come to be the be-all-and-end-all of the legislative process. Victories won through normal legislative channels can be undone in the budgetary process, and earlier losses can become victories. Moreover, the politics of the budget dominate other politics. Take 2008, for example. In the negotiations over the budget, Republicans sought to delay implementation of A.B. 32, a 2006 law regulating greenhouse gasses, prompting Former Assembly Speaker Fabian Núñez to charge Republicans with "attempting to take unrelated issues hostage in the budget"(Weinzimer 2008). Republicans also attempted to roll back other environmental and labor regulations (Halper 2008). Put simply, the budget overshadows other major legislation.

Voters don't think the budget is handled well. When the budget is late, voters express serious dissatisfaction, calling it a "serious problem" (DiCamillo and Field 2002, 2007). What's more, it is clear that a lot of the delay is due to minority

obstruction. Minority Leader Mike Villines "said the delay could have been averted if Democrats had accepted earlier on that GOP members would not support any tax increases"(Rau 2008). While voters in the aggregate do have well-known paradoxical desires regarding budgeting (DiCamillo and Field 2008a), state legislators have, in the past, been able to pass budgets in a more timely fashion (and often without resorting to "tricks" like borrowing against future supposed lottery revenues).

Redistricting as a Feasible Solution

If districting isn't the sole or even the biggest cause of legislative polarization, would creating more competitive districts really overcome the problem of polarization? Throughout this paper, I have argued that new districts *might* be enough to overcome the current gridlock facing Sacramento. While these other, more significant causes would seem like the better place to start reform efforts, I argue that redistricting is the only avenue open to reform. It may not be the best idea, but it's the most workable good idea.

Polarization in the electorate is likely a major cause of legislative polarization. Democrats are, on average, more liberal than they used to be and Republicans are more conservative. A great deal of this is not actual polarization of the voters, but better sorting into which party more closely represents their views (Fiorina et al. 2006). This has a greater impact on noncompetitive than competitive systems, however. Homogenous parties lead to a clear signal to candidates in the primaries. Primaries matter a great deal in California for two reasons. First, the uncompetitive general elections end up having less leverage on members, and term limits really magnify this effect. Term limited legislators looking to the next career move know that they have to face a new electorate. In the general election, partisanship largely determines how the vote will fall. In the primary, the term-limited legislator seeking a seat in a new chamber will need to have something to run on. Ideological purity gives them something with this new electoral base. Of course, some argue that the electorate hasn't simply sorted, but has polarized as well (Brewer and Stonecash 2007). The point is moot for the purposes of this paper; neither sorting nor polarization offer any hope of remediation by purposeful reform.

California's great size makes personal connection between a legislator and their public difficult. As such, they must rely on campaign expenditures and motivated partisans to win elections. Contributing to this same problem are term limits. With limited terms, legislators are unable to build up a name advantage to appeal outside of their partisan base, so they have no incentive to do so. These problems, too, admit no ready solutions. The most obvious ones would be to increase the number of legislators or get rid of term limits. However, voters would have to approve of

either of these changes through a constitutional amendment. In February 2008, this was attempted with Proposition 93, which would have lowered the total years a legislator could serve (from 14 to 12) but allowed them to serve them all in one chamber. It lost by over 7 percent. Voters genuinely don't like politicians and see term limits (however misguidedly) as a way to "fix Sacramento." Proposition 45 attempted to change term limits in March 2002, and lost by 15 percent. Simply put, California voters look at any attempt to change term limits as an effort by "selfish politicians." And expecting voters to approve of public financing for elections in a state with major budgetary issues is a fool's dream.

Finally, a major reason why polarization is a problem in California is the two-thirds requirement to pass a budget. California is the only large state that has such a requirement, so at first blush, it would seem possible to remove this requirement from the constitution.[12] However, looks are deceiving. Conservatives view this requirement as their last defense in keeping taxes low.[13] One must remember that California is the state that passed Proposition 13 and began the "tax revolt"; Proposition 13 is still considered the "third rail" of California politics. In 2003, Warren Buffett (billionaire investor and advisor to Arnold Schwarzenegger's campaign) suggested overturning Proposition 13. Within hours, the Schwarzenegger's "political strategists reacted as though a hand grenade had been thrown into their midst" (Simon 2003) and his major opponents jumped on the comments.

More direct attempts have been made to eliminate the two-thirds requirement. In March 2004, voters soundly rejected (by a near two-one margin) a proposal to reduce the requirement to 55 percent and penalize legislators for not delivering a timely budget. This was clearly due to support for the two-thirds provision, and not objections to the penalties. In 2003, the Field Poll tested support for two versions of the proposition, with and without the penalties. In their polling, there was a 23 percentage point difference between the two versions (DiCamillo and Field 2003). Simply put, the two-thirds requirement to pass a budget seems to be here to stay in California.

Redistricting reform, however, is possible. In November 2008, voters approved Proposition 11, which mandates that "districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party." It is possible that the commission will create more competitive districts, though it is not guaranteed. While political science has often frowned on competitive districts, the idea has great resonance with the public and the press. In the end, blaming polarization on redistricting is overly simplistic, but the very simplicity of redistricting reform is why it can (and did) pass.

Conclusion

There are numerous reasons why California's budget process works so poorly and undemocratically. Chief among these are partisan polarization, legislator inexperience, a volatile tax base, large spending programs and the two-thirds vote requirement. Two of these are the product of budgetary decisions themselves. Term limits and the two-thirds requirement are in the state constitution and here to stay. Partisan polarization is a product of a number of forces. Increasing competitiveness of some legislative districts is one way to reduce polarization, if only marginally. But that marginal reduction in polarization might make the difference. In the end, increasing competition in California's legislature might not be the most direct solution, but, given constraints on what can be done, it might be the most feasible solution.

References

Abramowitz, Alan I., Brad Alexander, and Matthew Gunning. 2006a. "Don't Blame Redistricting for Uncompetitive Elections." *PS: Political Science and Politics* 39 (01): 87-90.

———. 2006b. "Incumbency, Redistricting, and the Decline of Competition in U.S. House Elections." *Journal of Politics* 68(1): 75-88.

Binder, Sarah A. 2003. *Stalemate: Causes and Consequences of Legislative Gridlock.* Brookings Institution Press.

Bradbury, J. C., and J. M. Johnson. 2006. "Do Supermajority Rules Limit or Enhance Majority Tyranny? Evidence from the U.S. States, 1960–1997." *Public Choice* 127(3): 429-41.

Brewer, Mark D., and Jeffrey M. Stonecash. 2007. *Split: Class and Cultural Divides in American Politics*: CQ Press.

Brunell, Thomas L. 2008. *Redistricting and Representation: Why Competitive Elections Are Bad for America*. Routledge.

Buchler, Justin. 2005. "Competition, Representation and Redistricting: The Case against Competitive Congressional Districts." *Journal of Theoretical Politics* 17(4): 431.

———. 2007a. "The Social Sub-Optimality of Competitive Elections." *Public Choice* 133: 439-56.

———. 2007b. "The Statistical Properties of Competitive Districts: What the Central Limit Theorem Can Teach Us about Election Reform." *PS* 333-37.

Buchler, Justin, and Matthew G. Jarvis. 2006. "Groupthink amongst Congressional Classes." In *Annual Meeting of the Midwest Political Science Association*. Chicago, Ill.

Cain, Bruce E., Karin Mac Donald, and Iris Hui. 2006. "Competition and Redistricting in California: Lessons for Reform." Berkeley: Institute of Governmental Studies.

Caldeira, Gregory A., and Samuel C. Patterson. 1982. "Bringing Home the Votes: Electoral Outcomes in State Legislative Races." *Political Behavior* 4(1): 33-67.

Campbell, Angus, Philip E. Converse, Warren E. Miller, and Donald E. Stokes. 1960. *The American Voter*. New York: Wiley.

Carson, Jamie L., Michael H. Crespin, Charles J. Finocchiaro, and David W. Rohde. 2007. "Redistricting and Party Polarization in the U.S. House of Representatives." *American Politics Research* 35(6): 878.

Converse, Philip E. 1964. "The Nature of Belief Systems in Mass Politics." In *Ideology and Discontent*, ed. D. Apter. London: Free Press.

Dahl, Robert. 1990. "The Myth of the Presidential Mandate." *Political Science Quarterly* 105.

DiCamillo, Mark, and Mervin Field. 2002. "Voters See Budget Approval Delay as a Very Serious Matter." San Francisco: Field Research Corporation.

———. 2003. "Very Different Voter Reactions to Initiative to Lower Budget Approval to 55 percent Depending on How Measure Is Couched." San Francisco: Field Research Corporation.

———. 2007. "Voters Not Paying a Lot of Attention to State Budget Impasse, yet Still Think Delay Is a Serious Matter." San Francisco: Field Research Corporation.

———. 2008a. "Paradoxical Views About the State Deficit." San Francisco: Field Research Corporation.

———. 2008b. "Record Low Job Ratings for State Legislature as Voters See Budget Delay as Increasingly Serious." San Francisco: Field Research Corporation.

Donovan, Todd, Shawn Bowler, and Tammy Terrio. 2000. "Support for Third Parties in California." *American Politics Research* 28(1): 50.

Downs, Anthony. 1957. *An Economic Theory of Democracy*. New York: HarperCollins.

Fiorina, Morris P., Samuel J. Abrams, and Jeremy C. Pope. 2006. *Culture War? The Myth of a Polarized America*. 2nd ed. Pearson Longman.

Gierzynski, Anthony, and David Breaux. 1991. "Money and Votes in State Legislative Elections." *Legislative Studies Quarterly* 16(2): 203-17.

Griffin, John D. 2006. "Electoral Competition and Democratic Responsiveness: A Defense of the Marginality Hypothesis." *Journal of Politics* 68(4): 911-21.

Halper, Evan. 2008. "State Budget Crisis Boosts Gop Clout." *Los Angeles Times*, June 16, 2008.

Heller, William B. 1997. "Bicameralism and Budget Deficits: The Effect of Parliamentary Structure on Government Spending." *Legislative Studies Quarterly* 22(4): 485-516.

Knight, Brian G. 2000. "Supermajority Voting Requirements for Tax Increases: Evidence from the States." *Journal of Public Economics* 76(1): 41-67.

MacRae, Duncan, Jr. 1952. "The Relation between Roll Call Votes and Constituencies in the Massachusetts House of Representatives." *The American Political Science Review* 46(4): 1046-55.

Matsusaka, John G. 2005. "Direct Democracy and Fiscal Gridlock: Have Voter Initiatives Paralyzed the California Budget?" *State Politics and Policy Quarterly* 5(3): 248-64.

McCarty, Nolan, Keith T. Poole, and Howard Rosenthal. 2006. "Does Gerrymandering Cause Polarization?" *Unpublished manuscript, Princeton University, Princeton, N.J.*

McDonald, Michael P. 2006. "Redistricting and Competitive Districts." In *The Marketplace of Democracy: Electoral Competition and American Politics*, ed. M. P. McDonald and J. Samples. Brookings Institution and Cato Institute.

McGann, Anthony J. 2004. "The Tyranny of the Supermajority: How Majority Rule Protects Minorities." *Journal of Theoretical Politics* 16(1): 53.

McGhee, Eric. 2008. *Redistricting and Legislative Partisanship*: Public Policy Institute of California.

Oppenheimer, Bruce I. 2005. "Deep Red and Blue Congressional Districts: The Causes and Consequences of Declining Party Competitiveness." In *Congress Reconsidered*, ed. B. I. Oppenheimer and L. C. Dodd. Washington: CQ PRess.

Peterson, David A. M., Lawrence J. Grossback, James A. Stimson, and Amy Gangl. 2003. "Congressional Response to Mandate Elections." *American Journal of Political Science* 47(3): 411-26.

Rau, Jordan. 2008. "Budget Is on Gov's Desk at Last." *Los Angeles Times*, September 20, 2008.

Simon, Mark. 2003. "Buffett's Prop. 13 Comments Cause Stir." *San Francisco Chronicle*, August 16, 2003.

Theriault, Sean M. 2008. *Party Polarization in Congress*. Cambridge University Press.

Weinzimer, Lisa. 2008. "Schwarzenegger, Democrats Hold Ground as Republicans Try to Roll Back Climate Law." *Electric Utility Week*, June 23, 2008.

Wittman, Donald. 1983. "Candidate Motivation: A Synthesis of Alternative Theories." *American Political Science Review* 77(1): 142-57.

Notes

[1] Indeed, supporters of redistricting reform will often denigrate their opponents for not seeing the truth as they do. For example, Johnson et al. (2005) employ bandwagoning and ad hominem attacks: "No one can seriously doubt the need for redistricting reform in California . . . but the basic need for reform is clear and obvious. Only those with a direct personal self-interest that benefits from the current system can possibly defend it."

[2] Justin Buchler has made a similar point as well, though his argument is theoretical and presumes legislators cater to the median voter in their districts (Buchler 2005, 2007b, 2007a).

[3] In theory, this could also work in the opposite direction, with a minority party passing the budget with the help of numerous majority party defectors. However, in such a case, the defection rate would have to be quite high. In practice, minority rolls of the majority in a supermajoritarian vote are extremely rare.

[4] The "independent" category includes two types of registrants: Decline-to-State and the American Independent Party. The first group is relatively obvious, but the second is less obvious to those more informed about politics. The American Independent Party is the largest minor party in California (larger than the Green or Libertarian parties). While some might think this is due to its strong nativist stance in the state that passed Proposition 187, it's more likely that this is simply people wanting to register as an "independent" and that is the only box on the form that says "independent" next to it. In fact, California is the only state where the American Independent Party (George Wallace's vehicle in 1968) still qualifies as a party. In the 1990s, the AIP also got the least voter support in elections and contests the fewest seats of all the minor parties in California, but still has more than three times as many registrants as the next largest minor party, the Green Party (Donovan et al. 2000).

[5] Of course, independents don't turn out at the same rate as partisans. If we adjust the registration numbers for anticipated turnout (based off self-reported turnout in the 2004 National Election Studies data, which was asked two different ways), there are 6-13 districts that are majority Republican amongst projected voters, 25-26 with more than 45 percent of the voters, and 32 with more than 40 percent of the voters. By these same methods, there are 27-31 districts with a Democratic majority of projected voters and 45-47 with more than 45 percent. There is some overlap here in the districts that are relatively close with smaller (<15 percent) independent registration.

[6] There were only 10 elections within 10 points using the share of the two-party vote in 2008, and the number stays at four in 2006 using this alternate measure.

[7] McGhee uses the definition of falling in "the top 25 percent of moderation for their party caucus on at least three of the four measures of roll call voting" (McGhee 2008: 53). This measure likely calls partisans "moderates" in a highly partisan environment, and restricts scores of moderation in an environment with a great deal of it. The former situation is decidedly the case in modern California.

[8] Again, this estimate of moderation likely overstates the number of moderates, and this effect is quite likely larger.

[9] The conventional wisdom in California is that a district must have a registration balance between three percent more Republican and 10 percent more Democratic to be considered "competitive" (Cain et al. 2006). By these criteria, seven of the 80 Assembly districts are competitive (up from only five when the districts were created in 2001).

[10] This is a very debatable assumption, but in both directions. First, the Democrats now hold 63 percent of the Assembly seats, so one might expect their seats to contribute six of the 10 seats. However, the GOP currently benefits more from bare pluralities in their districts; of the current

seven districts in the "competitive" range, three are GOP. However, the GOP registration edge is less than 5 percent in seven districts, and between 5 percent and 6 percent in another four districts. Thus, this work will assume an equal distribution. Differences in how many seats each party "gives up" to make competitive districts directly impact the consequences of the plan.

[11] A third category, that the argument made so far has not convinced readers that the reform would have the intended effect, was left to the previous sections to deal with.

[12] Arkansas and Rhode Island also have supermajority requirements for their budgets to pass, but can hardly aid to face the same budgetary pressures as California. Moreover, in both states, the Democrats control the necessary supermajority to pass budgets, making the requirement somewhat moot in those cases.

[13] Given California's relatively high income tax (yet average sales tax and overall tax burden), the argument that the requirement has kept taxes low is debatable.