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Disagreement is Evidence of Success

Shaudi Falamaki Fulp

The fact that practitioners disagree and academics have found inconclusive evidence about the impact of California's Top Two electoral system is, itself, an indication that the reform is working in its nascent years. Yes, it is too early to portend long-term trends from only two election cycles, but the fact that more variables have been introduced to elections has forced candidates and consultants to challenge their previous assumptions about campaign strategies, voter behavior, and governance.

It's difficult to pinpoint which recent California political reform, or combination of reforms, is responsible for the greatest change in the political landscape. There are so many to point to—Propositions 11 (redistricting), 14 and 20 (top two primary), 25 and 26 (majority-vote budget while maintaining a two-thirds vote threshold for tax increases), and 28 (term limits)—but state government clearly operates differently than it did before they went into effect. On-time budgets have replaced long, contentious battles that led to the state issuing IOUs. Newly elected assembly members and state senators now approach legislation with newfound patience, acknowledging they have some time to get the policy right instead of governing by press release. And because of Top Two, candidates, consultants, and independent expenditure contributors continue to experiment with various approaches in search of a blueprint that will lead to victory.

In politics, when electoral dynamics become predictable, stagnation can result. Old campaign playbooks are recycled. Voter engagement is taken for granted. Critical thinking in governance is dulled. Wherever one lands on the Top Two spectrum—defining it as a game changer, a muted asterisk in California's reform narrative, or even antimajoritarian—one thing is clear: it has introduced greater variables and chaos to the electoral landscape. While turnout continues to decline (a trend that predated the implementation of Top Two) and independents continue to sit on the sidelines, particularly in primaries, candidates and consultants have been forced to throw out decades-old assumptions and reinvent.

In any industry, disruption that leads to innovation is encouraging. While political operatives have been gearing up for the implementation of the state's political reforms, many voters are still unclear as to the new primary rules, many times not even knowing they have changed. With record low turnout in 2014, there is clearly room for improvement and Secretary of State Alex Padilla's focus on how to "boost the vote" could result in promising outcomes.

As voters become more educated on the new primary system, which some campaigns are seeking to do as they woo votes, the impacts of the Top Two primary will become more pronounced. For example, in Senate District 6 in the Sacramento region, as two Democrats competed on the general election ballot, Democratic and Republican consultants were hired by campaign committees to facilitate bipartisan turnout. Republican voters were nudged by campaign communications to vote strategically, as they were reminded that no Republican candidate would

be on the ballot. Endorsements by Republican leaders in the community were emphasized, and political groups who aided Democrat Dr. Richard Pan's successful election, in part, credit his victory to Republican crossover votes.

Beyond new strategies to inspire crossover voting, which is still admittedly minimal across the state, the fact that there have been electoral aberrations has forced candidates and incumbents to confront new realities as they execute their campaign strategies. In 2012, Congressional District 31 provided a lucid example of how the Top Two could dash the hopes of a competitive candidate purely due to the new primary system; in this race two Republicans were unexpectedly the top two vote-getters in the primary, preventing a Democrat from competing in a district that had a Democratic advantage. In 2014, neither now former Democratic Assembly Member Raul Bocanegra nor his supporters anticipated the upset that has sent reverberations throughout the political establishment. Newcomer Democrat Patty Lopez bested the incumbent with limited resources and establishment support in the general election, a result that could have never occurred under California's previous closed primary system.

Political consultants almost unanimously agree that these races were flukes, but a fluke is a powerful result to a losing incumbent and a powerful warning to a future candidate. New variables have been introduced, providing new opportunities and perils for candidates. In 2012, there were 20 same-party state legislative contests; in 2014, there were 18. In districts with a lopsided registration, the Top Two has forced a more robust debate between members of the same party in both the primary and general elections; districts that have sizeable populations of the opposite party will require some candidates to vie for crossover voting. To complicate things, early data showing higher levels of abstention in these same-party races is another variable that must be addressed; already abysmal turnout paired with ballot roll-off in these races challenges turnout assumptions that inform the development and deployment of campaign strategies.

The need, or perception of need, to govern in a fashion that appeases more than just one's partisan base and prioritizes greater district-level engagement has already changed the behavior and approach of some elected officials. Republican legislators have observed greater courage among their Republican caucus colleagues with the implementation of the Top Two and Democrats cite the Bocanegra-Lopez race as a need to challenge their assumptions about safe seats and their constituents. While interest group vote scores have been used to measure legislative impacts of the Top Two, they are admittedly imperfect. As Dan Walters recently wrote in the *Sacramento Bee*, the effects of the Top Two "are not glaring in the records of floor votes that interest groups assemble to judge which legislators are sympathetic or hostile to their causes, but are evident in the nitty-gritty work on specific bills. Bills often disappear without formal votes, especially in the appropriations committees of both houses, or are amended enough to change their bottom-line impacts." Politics is just as much an art as it is a science, and so we must work diligently to construct studies that measure such nuances, with both internal and external validity, in evaluating the effects of the Top Two.

The Top Two is still too young to make concrete judgments about its impacts but the fact that behavior—whether demanded by the data or by a perceived need to adapt—has changed, is one marker of success. After all, in politics it's a common adage that perception is reality.

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