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Is California's Top Two Primary Bad for Women Candidates?

Katie Merrill

Since the Top Two was first used in the elections of 2012, both academics and practitioners have been asking, “Has the Top Two system changed anything? Has it resulted in less partisanship in the legislature? Are more moderate candidates getting elected?” The answer after the 2012 and 2014 cycles has been a resounding TBD—To Be Determined. The academic consensus so far is that nothing has really changed, but that two cycles is too soon to tell. And perhaps, if there were to be real change, it would take the better part of the decade before that emerged.

Now that we have had our second round of Top Two results, one important issue that has not yet been explored is the impact on women candidates. Over the two elections since the Top Two primary has been in place, the number of women in the California Legislature has been trending downward, from 28.3 percent to 25.8 percent, and fewer general election congressional candidates are women. There were only 19 female general election congressional candidates in 2014, the lowest number since 1998. Could it be that one unintended consequence of the Top Two is that women candidates are being disadvantaged by the new system? There is some evidence that this is a line of inquiry that should be pursued over the next few cycles.

The 2014 race in Assembly District 15, which includes Berkeley and portions of West Contra Costa County, provides an interesting example in which the Top Two may have disadvantaged a female candidate. In the June primary, Elizabeth Echols, a Democrat who had worked for Vice President Al Gore and the Obama administration, was the top vote-getter out of eight candidates. The result was not particularly surprising given that the district had been represented by three different female Assemblymembers over 18 years. In second place, seven points behind Echols, was Tony Thurmond, also a Democrat, who had served on the Richmond City Council and the West Contra Costa School District Board. The one Republican in the primary, Rich Kinney, finished fourth. In the traditional closed primary process (and even in the “blanket” primary that California had for a few years in the late 1990s), Echols, as the top Democrat, and Kinney, the Republican, would have advanced to the general election. Given the 8–1 Democratic registration advantage in this district, Echols would be the current Assemblymember.

But under the Top Two system, Echols and fellow Democrat Thurmond advanced to the general election. In that Democrat-on-Democrat election, Thurmond soundly defeated Echols, despite her endorsement from the Democratic Party, the retiring female Assemblymember, and the former female Assemblymember before her. What happened in the general election that resulted in the female candidate losing after placing first in the primary? The biggest factor seemed to be the \$600,000 that was spent by business interests to bolster Thurmond’s campaign. If Echols had been running against a Republican in the general election, it is unlikely that these interests would

have played in the general election at all, given the overwhelming Democratic registration advantage in the district. Nor is it likely that business interests would have mounted independent expenditure campaigns in the race if it was a closed primary. In 2008, for example, when Thurmond ran and lost to Nancy Skinner in a similar match-up, but in the closed primary, these same interests did not run IEs in the race.

The 2014 race in Congressional District 33, to replace retiring representative Henry Waxman, provides another example where perhaps the Top Two disadvantaged female candidates. In this heavily Democratic district on the west side of Los Angeles, there were 19 candidates who ran in the primary—10 Democrats, five from other parties, and three who were No Party Preference candidates. The front runners were former Los Angeles City Councilwoman and Controller Wendy Greuel, a Democrat, who had run and lost for mayor in 2013, and State Senator Ted Lieu, also a Democrat. One of the NPP candidates, who would not have been on the closed primary ballot, was Marianne Williamson, a well-known spiritual teacher who had strong support in the same female, liberal, Hollywood base that Greuel did. Williamson received 13.5 percent of the vote. Greuel finished two points behind Lieu. If Williamson, a NPP candidate, had not been in the primary, it is reasonable to conclude that much of her vote would have gone to Greuel. Greuel's attack on Williamson as antichoice in the last few weeks of the campaign confirms Greuel knew she was losing critical votes to Williamson. Had those Williamson votes gone to Greuel, Greuel would have advanced to the general election and likely have won the heavily Democratic congressional seat. As it was, Lieu went on to win in the general election against a Republican, Elan Carr, 59% to 41%.

Since the Top Two has been in effect, women have lost seats in the legislature in each of the last two elections, and there are fewer women congressional candidates running in general elections. The question is whether there is any causative relationship between the open primary and the performance of women candidates in the last two election cycles. Are there unintended consequences of the open primary that disadvantage women? Or are these simply coincident events that have no substantive relationship? Are there other factors at play, such as the new district lines drawn for the first time by the nonpartisan Citizens Redistricting Commission or California's trending low turnout that hit historic lows in 2014? As academics and practitioners continue to assess the impact of the Top Two over the next two or three cycles, we should continue to pursue a line of inquiry that examines the fate of women candidates under the new system.

Katie Merrill is the founder and president of the Merrill Strategy Group, a Democratic campaign consulting firm.