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**Constitutional Reform in California:
The Surprising Divides**

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Abstract

In a survey of over 1,000 Californians, we found substantial divides in public opinion on issues related to constitutional change. Beyond partisan differences, there are racial and ethnic divides as well as unexpected differences between counties. Latinos and Asian-Americans (the growing “new” California electorate) are less dissatisfied with the initiative process, less eager to change California’s constitution to restrict direct democracy, and more likely to be unsure about their views on constitutional reform than whites and African-Americans (the “old” California electorate). This article also explores surprising geographic patterns in support and opposition to proposed reforms, such as the elimination of the two-thirds requirement for passing the state budget.

KEYWORDS: constitutional reform, public opinion, direct democracy

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Constitutional Reform in California: The Surprising Divides

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In the midst of California’s immediate fiscal crisis and desperate efforts to stick proverbial fingers in the state’s budget dike, legislators, public interest groups, and private interests have seized upon this moment to call loudly for constitutional reform. What is really necessary, they clamor, is not a trimmed program here or a furlough day there, but a complete restructuring of the way public policy, especially tax and spending policy, is made in the Golden State.

Whatever the grand designs of these constitutional reformers, any plan for constitutional change in California must ultimately be approved by the voters through the initiative or referendum process. With this in mind, we turned our attention to public opinion about California politics and a set of proposed reforms to the state’s constitution. We analyzed the survey responses of over 1,000 Californians who were asked a broad range of questions about their opinions on the state’s government and politics. What we found is that there are important divides—and a great deal of uncertainty—among Californians about these complex issues of fundamentally changing the way they are governed.

Beyond partisan differences, there are racial and ethnic divides. Latinos and Asian-Americans, the fastest growing segments of the state’s population, are less dissatisfied with the initiative process and less eager to change California’s constitution to restrict direct democracy than whites and African-Americans. Latinos and Asian-Americans are also more likely to be unsure about their views on reforming the state’s constitution. The differences between racial and ethnic groups raise important questions about how state politics and the reform debate are being covered in ethnic media across the state and how well political activists are reaching out to journalists and news organizations outside the English-Language mainstream.

There are also surprising geographic patterns in support and opposition to proposed reforms. Democrats, on average, are more likely than Republicans to support the elimination of the two-thirds requirement for passing the state budget. But Democratic strongholds in the state (the Bay Area and L.A. County) have lower levels of support for reform than we would otherwise expect, while Republican strongholds (Orange County and San Diego County, along with the Central Valley counties) have higher than expected levels of support for a simple majority budget process. When we compare the opinions of Democrats and Republicans between counties, we find that local political conditions appear to influence partisan support for eliminating the two-thirds requirement. The differences are large enough that activists in the reform debate could capitalize on these unusually high and unusually low levels of support by targeting their voter mobilization efforts in these areas.

The Survey

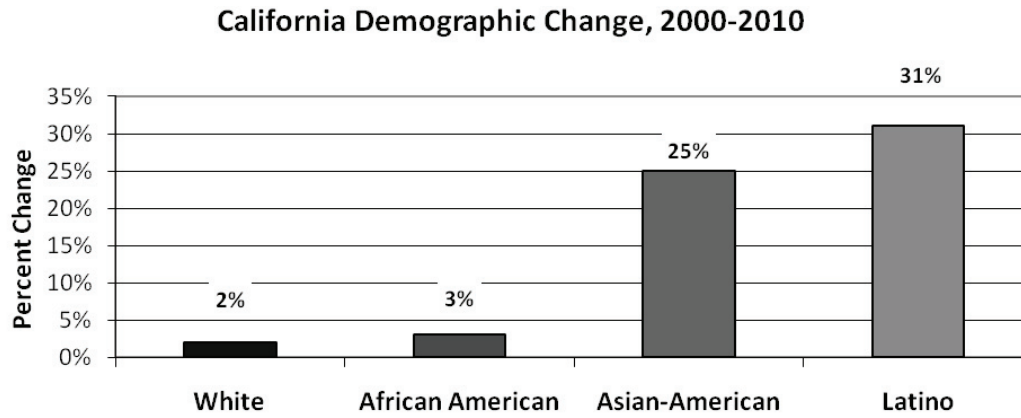
We studied the opinions of 1,043 Californians who were surveyed about California government and politics by the Bill Lane Center for the American West at Stanford University. The poll, which was administered by YouGov/Polimetrix, an internet polling firm based in Palo Alto, Calif., was presented to respondents between August 21 and September 8, 2008. YouGov/Polimetrix recruits individuals into their PollingPoint panel of respondents and obtains relevant demographic information about each individual. Responses are statistically weighted to adjust the sample to match the demographic characteristics of the population of California residents. The survey was offered only in English. Sampling error on the full sample is +/- 3.2 percentage points at the 95% confidence level.

Needless to say, much as happened in California politics over the last year. Although the growing fiscal and governance crisis in the state might have impacted levels of support or opposition for particular political reforms, this survey should still provide us with reliable measures of the opinions of different subgroups of Californians relative to one another. It is certainly worth testing that assertion with more recent survey data, and we are in the process of doing just that. For now, however, we present patterns that we believe it is reasonable to expect would have persisted over the last year.

“New” and “Old” California

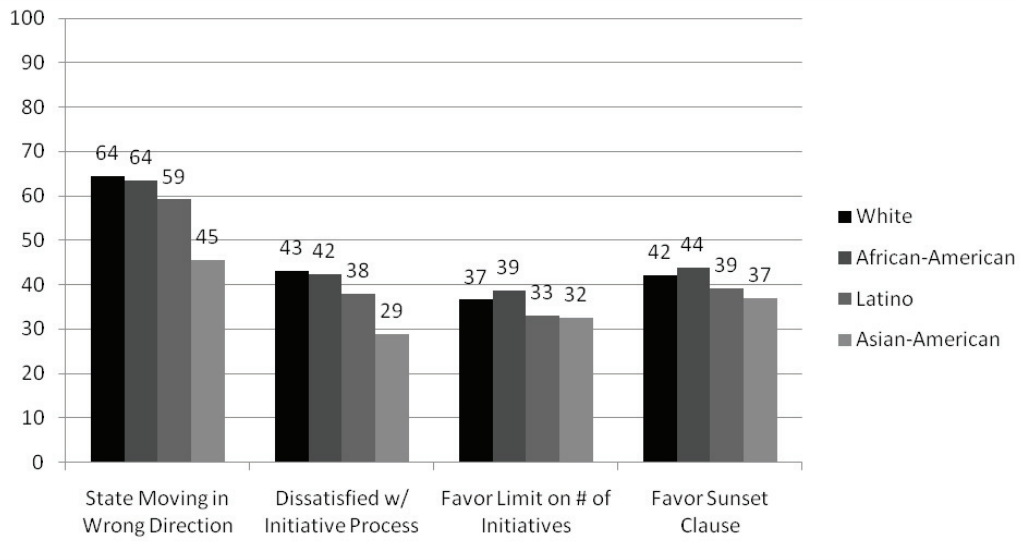
The rate of population growth by the two fastest growing racial and ethnic groups in California, Latinos and Asian-Americans, dwarfs the rate of growth among the state's whites and African Americans (see Figure 1). We dub Latinos

Figure 1. Population Growth from 2000 to 2010, by Racial or Ethnic Group



Data courtesy of California Department of Finance.

Figure 2. Divide on Direct Democracy, by Racial or Ethnic Group



Data from survey of representative sample of Californians conducted by the Bill Lane Center for the American West, Stanford University.

and Asian-Americans, whose share of the state population and voting power is increasing, the “New” California electorate. Whites and African-Americans, the groups whose share of the state population and voting power is on the decline, we see as representing the “Old” California electorate.

Gap on Proposed Direct Democracy Reforms

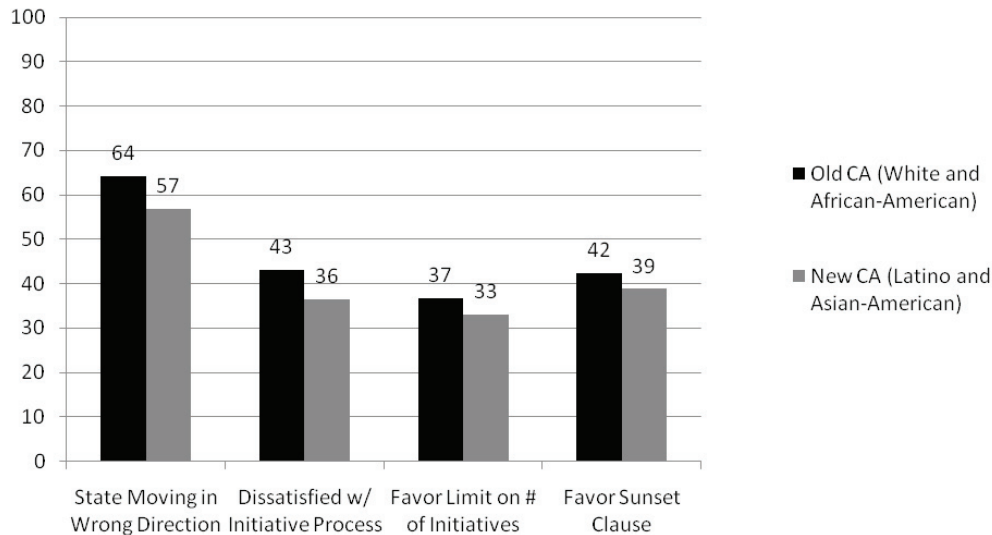
As Californians consider reforming the state constitution, the preferences for political reform of the “New” California electorate differ substantially from those held by the “Old” California electorate. In realm of direct democracy—which empowers voters to make policy through the ballot box—there are important divisions between Latinos and Asian-Americans, on the one hand, and whites and African-Americans, on the other.

Figure 2 breaks down the findings by racial and ethnic groups, while Figure 3 summarizes the gap between the “New” and “Old” California electorate. Both figures show that while 64% of white and African-American respondents see the state as moving in the wrong direction, only 59% of Latinos and 45% of Asian-Americans in California share this negative assessment. When the respondents were asked what they thought of the state’s initiative process, 43% of those representing “old” California electorate were somewhat or very dissatisfied with it, compared to 36% of respondents from the “new” California electorate.

These political assessments translate into views on placing limits on the initiative process, a popular villain in the “What’s the Matter with California?” debate. The survey asked about two proposals to place limits on direct democracy: one would cap the number of initiatives that could appear on any one ballot, and the other would require that all initiatives contain a sunset clause causing them to expire after a certain number of years if they are not reenacted. Respondents from the “old” California electorate were more likely to favor limits on direct democracy than those from the “new” California electorate. Support for a cap on the number of initiatives was stronger among white and African-American respondents (37% and 39%, respectively) than among Latinos and Asian-Americans (33% and 32%). On the sunset clause proposal, whites and African-Americans (42% and 44%) were more supportive than Latinos and Asian-Americans (39% and 37%).

To be sure, these differences represent a gap, rather than an unbridgeable gulf. These gaps of four to seven percentage points are similar in scale to the “gender gap” in many polls. But the presence of this gap serves as an important reminder that the process of constitutional reform may not produce widely popular proposals if deliberations over reform fail to include a broad cross-section of Californians.

Figure 3. Divide on Direct Democracy, “New” California versus “Old” California



Data from survey of representative sample of Californians conducted by the Bill Lane Center for the American West, Stanford University.

Those deliberations may include the debate at a constitutional convention. This opinion gap should certainly be taken into account when designing the delegate selection process. When California’s first constitution was written in 1849, eight of the 49 delegates were Spanish speakers. When it was rewritten in 1878 and 1879, there were no Spanish speakers or Asian-Americans—a group that made up nearly 9% of the state’s population then—among the 153 delegates. If the same sort of homogenous convention of delegates were convened today, our findings suggest it could overstate the discontent of the state and potentially produce reforms that fail to represent California’s future.

We sought further evidence of a real difference between the “old” and “new” California electorate by analyzing the survey responses while accounting for other factors that could influence opinion about these issues. In a logistic regression (Table 1), we controlled for the potential effects of political information (an index of five questions that assesses knowledge of California government), interest in public affairs (a four-point scale with greater values equaling increased attention paid to public affairs), education (a six-point scale ranging from not graduating high school through postgraduate degree), partisanship (a seven-point scale with Strong

Table 1. Factors Influencing Opinion on the Status of California Politics and Potential Political Reforms

	Status of California		Potential Reforms	
	California in Wrong Direction	Dissatisfied with Initiative	Number of Initiatives on Ballot	Sunset Clause
“Old” California	0.303* (0.176)	0.312* (0.167)	0.176 (0.167)	0.139 (0.164)
Information	0.144* (0.0708)	-0.0611 (0.0666)	0.0367 (0.0661)	-0.0693 (0.0648)
Attention to Politics	0.212* (0.0929)	0.0497 (0.0902)	0.209* (0.0914)	0.278* (0.0912)
Education	-0.00556 (0.0616)	0.0205 (0.0559)	-0.0653 (0.0562)	0.0594 (0.0556)
Partisanship	-0.0588 (0.0473)	-0.0783* (0.0440)	-0.0587 (0.0449)	-0.0763* (0.0453)
Ideology	0.272* (0.0947)	0.00808 (0.0833)	0.0228 (0.0878)	-0.0543 (0.0831)
Gender	-0.0786 (0.177)	-0.0369 (0.165)	-0.0700 (0.171)	0.0166 (0.164)
Constant	-1.017* (0.430)	-0.371 (0.382)	-0.899* (0.383)	-0.774* (0.373)
Observations	950	950	950	950

Logistic Regression coefficients with standard errors in parentheses, * p<0.1

Democrat at the low end and Strong Republican at the high end) and ideology (a five-point scale with very conservative at the high end). We find that differences between the “new” and “old” California electorate over the state’s direction and satisfaction with the initiative process reach conventional levels of statistical significance. Although the effect of being in the “old” California electorate on opinion about limiting the initiative process is in the correct direction (more likely to favor limits), the differences between the two groups are not statistically significant.

Unsure About the Way Forward

To this point, we have considered differences in support and opposition for reforms. But what about those Californians who haven’t made up their minds? What about the ones who are confused? After all, members of the chattering class aside, these are not issues that most people regularly spend time mulling over.

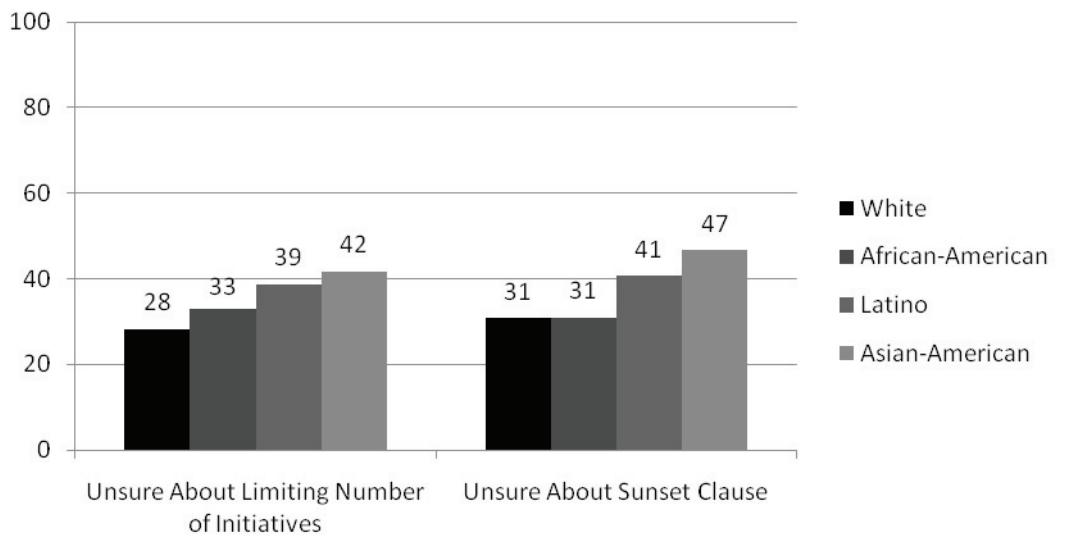
In addition to being less supportive of proposed reforms to the initiative process than whites and African-Americans, more Latinos and Asian-Americans report that they are unsure about their position on these important reform issues. Among whites and African-Americans, 28% and 33%, respectively, were unsure of their position on limiting the number of initiatives that could be placed on the ballot. Among Latinos and Asian-Americans, 39% and 42% responded that they were unsure of their position. The difference was even more pronounced on the issue of implementing a sunset clause for initiatives: 31% of whites and African-Americans reported being unsure about whether they favored or opposed the reform, while 41% of Latinos and 47% of Asian-Americans were unsure (see Figure 4).

These differences do not appear to be the result of a gap in either political interest or knowledge about politics. Californians of all ethnic backgrounds are just as likely to say that they pay attention to politics at least some of the time. And when asked a battery of questions designed to gauge respondents' knowledge about both national and state politics, no racial or ethnic group moved to the head of the class or fell far behind.

We confirmed that differences in political interest or knowledge about politics were not actually behind this pattern by performing a statistical analysis that estimates the influence of several factors on the likelihood an individual answers "not sure" to these questions. The results of this analysis are reported in Table 2. We estimated the difference between being a member of the "old" California electorate instead of the "new" California electorate while separating out the effect of different levels of political knowledge, attention to politics, education, as well as any potential effects of partisanship, ideology, and gender. Californians with higher levels of political knowledge and those who pay more attention to politics are, not surprisingly, more likely to respond that with an opinion about the proposed reforms, rather than answering that they are unsure. Even after taking knowledge and attention into account, there are still statistically significant differences between the groups.

The higher rates of "unsure" responses among Latinos and Asian-Americans, despite their similar levels of political interest and knowledge, could be the product of differences in how state political issues are covered by the media consumed by the "old" California electorate and the "new" California electorate. If English-Language media outlets tend to have more reporting, news analysis, and commentary about proposed constitutional reforms than is carried in the new ethnic media, Californians who use the English-Language, mainstream media to form their opinions may more readily form preferences about the California political process than Californians who rely on ethnic media. The mere prospect of a disparity in coverage of politics and the political process is a good reminder that a constitutional reform debate that

Figure 4. “New” California More Unsure about Proposed Constitutional Reforms



Data from survey of representative sample of Californians conducted by the Bill Lane Center for the American West, Stanford University.

includes all Californians will need to be carried out in all the state’s media, old and new.

The Surprising Geography of Reform

Aside from differences in opinion between racial and ethnic groups, partisanship figures to play a prominent role in any proposed changes to the state’s constitution. One issue receiving a lot of attention is the two-thirds majority necessary to pass the budget, and, as one might expect, partisanship plays a Large role in shaping opinion about changing that requirement to a simple majority. Fifty-nine percent of Democrats support reducing the requirement for passing the budget to a simple majority, which would give the Democratic majority in the state legislature more control over the budget process. In stark contrast, Republicans are one-third less likely to support the reform. Only 41% of Republicans statewide are in favor of eliminating the two-thirds budget requirement and reducing the power of their party’s legislators in Sacramento.

Table 2. Likelihood of Responding “Not Sure” on Questions about Proposed Reforms to the Initiative Process

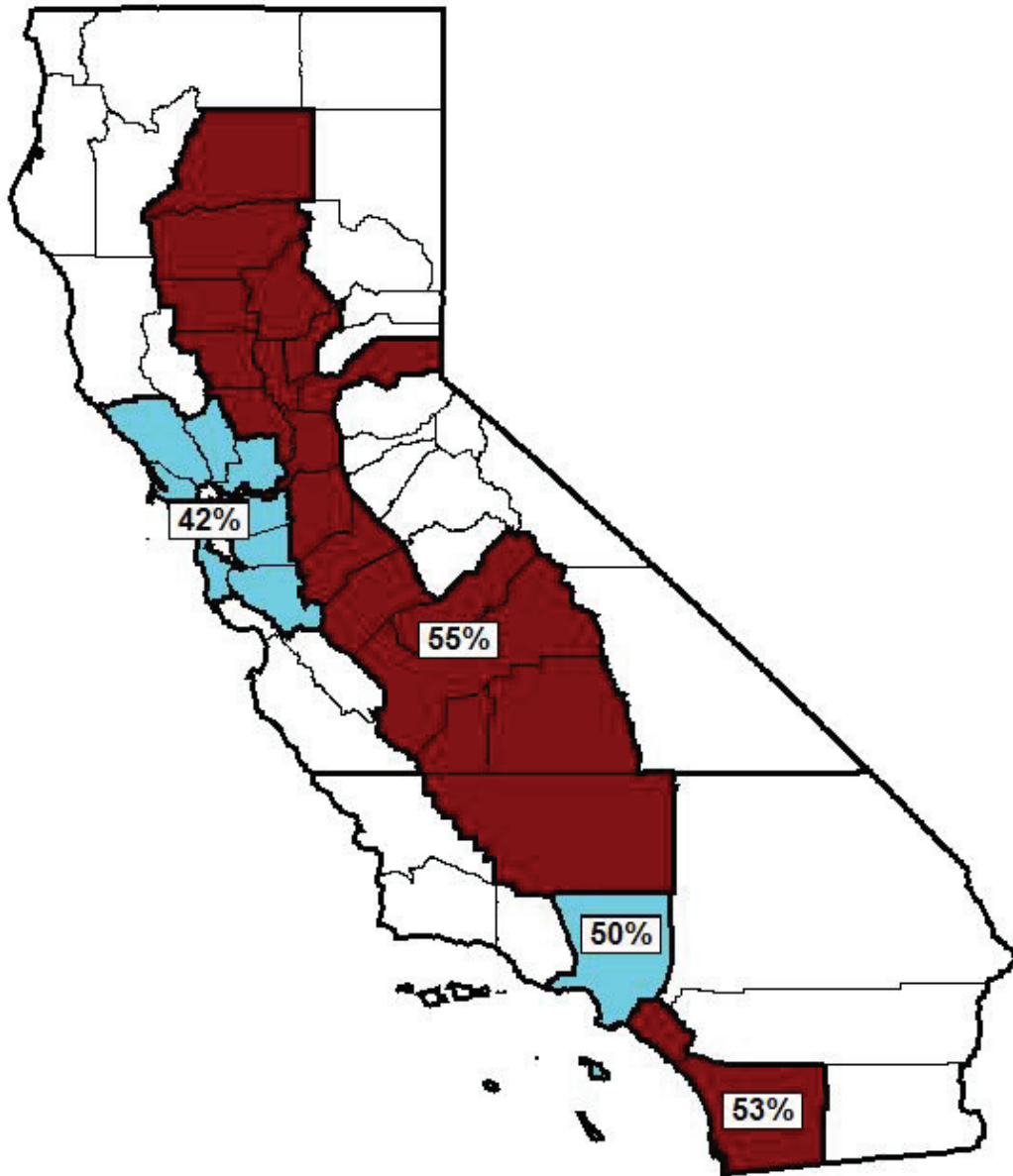
	Limit Number of Initiatives	Sunset Clause
Old California	-0.427* (0.198)	-0.440* (0.186)
Information	-0.410* (0.0931)	-0.170* (0.0823)
Attention to Politics	-0.473* (0.103)	-0.434* (0.0999)
Education	-0.0665 (0.0725)	-0.060 (0.0677)
Partisanship	0.0452 (0.0501)	0.0374 (0.0489)
Ideology	-0.140 (0.104)	-0.136 (0.0968)
Gender	-0.383 (0.204)	-0.326 (0.187)
Constant	1.852* (0.474)	1.525* (0.441)
Observations	950	950

Logistic Regression coefficients with standard errors in parentheses, * p<0.05

This all makes a lot of sense. What didn’t seem to make sense when we first saw it was the map presented in Figure 5. If Democrats are more supportive of eliminating the two-thirds budget requirement than Republicans, how come the Bay Area and L.A. County are less supportive of the reform proposal than the Republican parts of the state?

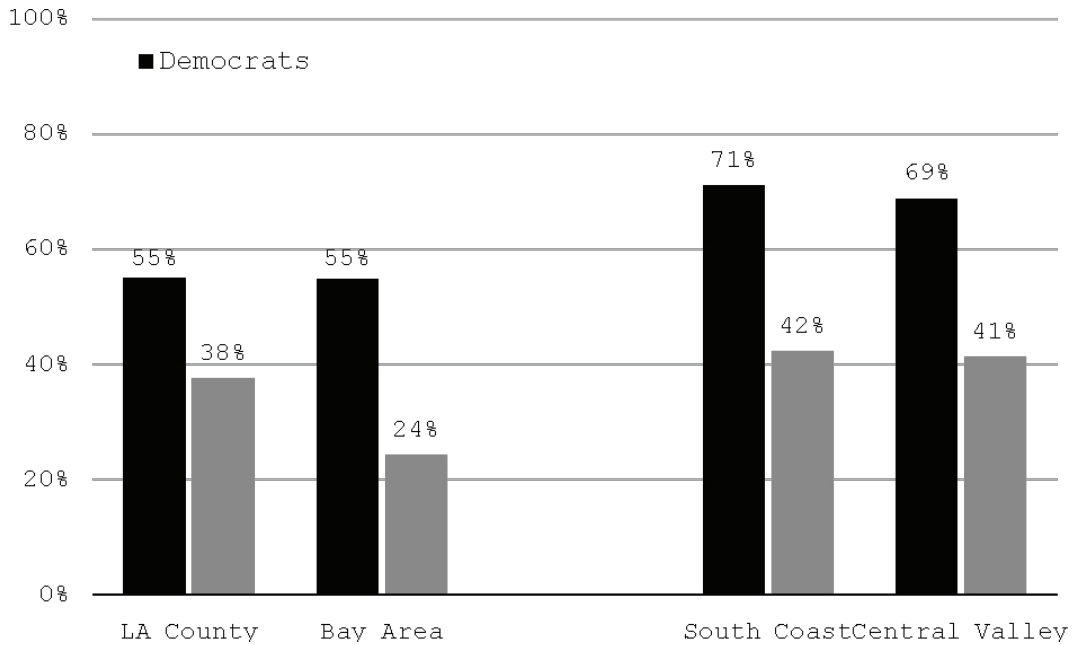
We looked at opinion within each of these areas and compared the opinions of each group of partisans across counties. These geographic and partisan patterns are illustrated by Figure 6. We were struck by several sets of facts. First, Democrats living in the Democratic strongholds of the Bay Area and L.A. County show limited support (55% in favor) for reducing the vote threshold to pass a budget to a simple majority, while Democrats in the Central Valley (71%) and the South Coast

Figure 5. Partisan Support for Eliminating the Two-Thirds Requirement for Budget Passage



Bay Area and Los Angeles County ■ Central Valley and South Coast ■

Figure 6. Partisan Support for Eliminating the Two-Thirds Budget Requirement



(69%) overwhelmingly support the proposed changes. (These differences reach conventional levels of statistical significance.) Second, Republicans across the state are opposed to change, but are even more opposed in the Bay Area and L.A. County (24% and 38%, respectively) than in the South Coast and Central Valley (42% and 41%), again this difference is statistically significant.

It could be that these patterns in opinion are the product of the local political context, that is, the experience of being a Democrat (Republican) who lives mostly among fellow Democrats (Republicans) or is in the partisan minority, living in an area of the state that tends to vote Republican (Democrat).

As we see it, voters can either be local winners (their party is in control of local government) or local losers (the other party is in control of local government). In the Bay Area and L.A. County, Democrats are often the local winners and Republicans are the local losers. Conversely, in the Republican dominated South Coast and Central Valley, Republicans generally are local winners and the Democrats are local losers. Partisans who are local losers, who are exposed to the policies of the other party locally, seem to be more polarized in their opinions about eliminating the two-thirds rule. Republicans in the liberal Bay Area and L.A. County are much less likely than South Coast and Central Valley Republicans to want to give the Democrats more power in Sacramento. And Democrats in the conservative South

Coast and the Central Valley are more eager than other Democrats minimize the influence of Republicans and boost the influence of their party's legislators over the state's taxing and spending plan.

For groups leading the campaigns for and against reform proposals, this means that strategies for mobilizing supporters should take into account local variation in opinion. Efforts that target local losers, who have, on average, very high or very low levels of support for reform, could be especially effective in boosting the chance of victory on election day.

A Long Road to Consensus on Constitutional Reform

Even though there are large segments of the state that are disgruntled with the governmental structure in California, there are some gaps in agreement about what the problem is and there is even less consensus on how to fix the problem. What we term the "new" California electorate, Latinos and Asian-Americans, is indicating uncertainty and restraint when reform options are presented to them, while the "old" California electorate is more inclined to reign in direct democracy. Changing the budget passage rule to a simple majority shows more overall support than proposed reforms to direct democracy, but there is even a wide difference of opinion among fellow partisans. If constitutional reformers are looking for a broad consensus on what a new constitution for California should look like, they have their work cut out for them.

Appendix 1. Constitutional Reform in California: The Surprising Divide

Question wording for all survey questions used in the analysis.

Key Dependent Variables

The State Constitution requires the state legislature to pass the state budget with a two-thirds majority – 67% of the legislators - in both legislative chambers. Thinking about the current requirement for a two-thirds majority in the budget process --

Instead of the two-thirds majority currently required, should the state constitution be amended to allow the state legislature to pass the state budget with just a simple majority – 51% percent - vote? **[ROTATE ORDER OF CATEGORIES for <1> & <2>]**

- <1> Yes, allow a 51% majority to pass the budget
- <2> No, keep the two-thirds majority requirement
- <3> Not sure

Do you think things in California are generally going in the right direction or the wrong direction? **[ROTATE ORDER OF CATEGORIES – NOT SURE IS ALWAYS L.A.ST]**

- <1> Right direction
- <2> Wrong direction
- <3> Not sure

Generally speaking, would you say you are very satisfied, somewhat satisfied, or not satisfied with the way the initiative process is working in California today? **[ROTATE ORDER OF CATEGORY – NOT SURE ALWAYS L.A.ST]**

- <1> Very satisfied
- <2> Somewhat satisfied
- <3> Not too satisfied
- <4> Not at all satisfied
- <5> Not sure

Reforms have been suggested to address issues that arise in the initiative process. For each of the following please say whether you favor or oppose this reform. **[RANDOMIZE STATEMENTS]**

- <1> Favor
- <2> Oppose
- <3> Not Sure

Place a limit on the number of statewide propositions that could be voted upon in any particular election

Require that initiatives to contain a sunset clause, meaning it would need to be re-approved after a certain number of years or the Law would expire.

Political Information Index

In space provided please enter the name of the speaker of the U.S. House of Representatives. If you aren't sure please check the box provided.

- <8> Not sure

Term limits restrict the number of times a person can be elected to a certain political office. Some U.S. states have term limits for state legislators, but most states do not. Does California term limit its state legislators?

- <1> Yes
- <2> No
- <3> Not sure

From the options below, please use your best guess, what is the average annual salary of a state legislator in California? [DO NOT SHOW - correct salary is \$116,208]

- <1> Under \$50,000
- <2> \$50,000 to \$99,999
- <3> \$100,000 to \$149,000
- <4> Over \$150,000
- <5> Not sure

Which of these areas represents the most spending in the state budget?
[RANDOMIZE – KEEP NOT SURE L.A.ST]

- <1> youth and corrections
- <2> health and human services
- <3> K-12 public education
- <4> higher education
- <5> Not sure

Which of these areas represents the most revenue in the state budget?
[RANDOMIZE – KEEP NOT SURE L.A.ST]

- <1> personal income tax
- <2> sales tax
- <3> corporate tax
- <4> motor vehicle fees
- <5> Not sure

Other Control Variables

Some people seem to follow what's going on in government and public affairs most of the time, whether there's an election going on or not. Others aren't that interested. Would you say you follow what's going on in government and public affairs ... ?

[ROTATE ORDER OF CATEGORIES – NOT SURE ALWAYS L.A.ST]

- <1> Most of the time
- <2> Some of the time
- <3> Only now and then
- <4> Hardly at all
- <5> Not sure

Generally speaking, do you think of yourself as a ...?

- <1> Strong Democrat
- <2> Weak Democrat
- <3> Lean Democrat
- <4> Independent
- <5> Lean Republican
- <6> Weak Republican
- <7> Strong Republican
- <8> Not Sure

Thinking about politics these days, how would you describe your own political viewpoint?

- <1> Very liberal
- <2> Liberal
- <3> Moderate
- <4> Conservative
- <5> Very Conservative
- <6> Not sure

Demographic Questions

Are you male or female?

- <1>Male
- <2>Female

What is the highest level of education you have completed?

- 1 Did not graduate from high school
- 2 High school graduate
- 3 Some college, but no degree (yet)
- 4 2-year college degree
- 5 4-year college degree
- 6 Postgraduate degree (MA, MBA, MD, JD, PhD, etc.)

What racial or ethnic group best describes you?

- <1> White
- <2> Black or African-American
- <3> Hispanic or Latino
- <4> Asian or Asian-American
- <5> Native American
- <6> Middle Eastern
- <7> Mixed Race
- <8> Other (please specify)